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THE

CIVIL PENSION CODE,

BEING

NOTIFICATION OF THE GOVT. OF INDIA, FINANCIAL DEPT., No. 239, DATED 10TH JANUARY 1872.

AUTHORISED EDITION.

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FINANCIAL DEPARTMENT.

NOTIFICATION.

PENSIONS AND GRATUITIES.

Fort William, the 10th January 1872.

In supersession of all existing rules and orders regarding pensionary allowances to public servants in the Civil Department, the Governor General in Council is pleased to direct the publication of the following CIVIL PENSION CODE. This Code makes no changes in the existing rules, save that the procedure on application for pension is amended.

2. Orders which apply only to particular individuals named in them are not included in the Code, and will remain in force apart from it.

3. Otherwise the claims of persons now in the civil service of the Government will be determined only by the rules in this Code.

4. In accordance with the principle laid down in Section 5 of the Code, the claims of persons who have already left the service of Government must be determined by the rules which were in force at the time they left it. The rules in the Code do not, necessarily, apply to them.

5. Particular attention is requested to the rules in Chapter XIV. The procedure therein ordered should be introduced as soon as possible; but pending applications need not be revised in conformity therewith.

6. Local Governments and Heads of Departments will take steps to introduce the system set forth in Section 69.

7. Future rulings regarding pensions will be made in the form of corrections and additions to this Code; and quotations should be made in the following form, "Civ. Pen. Code, 63, 2," the first number referring to the Section, the second to the rule under it.

R. B. CHAPMAN,
Secretary to the Government of India.

THE CIVIL PENSION CODE.

CONTENTS.

		Sections.	Page.
Chapter	I.—Definitions	1	11
„	II.—Extent of application	2—4	11
„	III.—General principles and general exceptions	5—12	13
„	IV.—Qualifying service. First condition.—Service under Government ...	13—16	17
„	V.—Qualifying service. Second condition.—Permanent and substantive employ	17—22	21
„	VI.—Qualifying service. Third condition.—Source of remuneration ...	23—33	27
„	VII.—Officers lent to Native States, Municipalities, &c.	34—36	35
„	VIII.—Superior and inferior service ...	37—40	45
„	IX.—Periods of leave and suspension ...	41—43	49
„	X.—Forfeiture of past service ...	44—45	51
„	XI.—Conditions of award of pension and gratuity	46—54	53
„	XII.—Amount of pension or gratuity; ...	55	61
	A.—For superior service ...	56—62	61
	B.—For inferior service ...	63	69
	C.—For service partly inferior and partly superior	64—65	69
„	XIII.—Calculation of pension and gratuity...	66—68	71
„	XIV.—Applications for pension or gratuity	69—74	75
„	XV.—Power of Local Governments and of the Government of India ...	75—78	85
„	XVI.—Manner of payment	79—84	87
„	XVII.—Place of payment	85—87	91
„	XVIII.—Lapse and forfeiture of pensions ...	88—90	93
„	XIX.—Commutation of pensions ...	91	95
„	XX.—Re-employment of pensioners and persons who have obtained gratuities	92—96	97

THE CIVIL PENSION CODE.

CHAPTER I.

DEFINITIONS.

Interpretation Clause.

Section **1**.—In the following Rules, unless there be something repugnant in the subject or context—

(*a*).—"Local Government" includes a Department of the Government of India, a Chief Commissioner and the Resident at Hyderabad.

(*b*).—"Accountant General" means the Account and Audit Officer concerned, whatever be his official designation.

(*c*).—"Qualify" and "count" mean "qualify" and "count" for pension and gratuity in accordance with this Code.

(*d*).—When pensions or gratuities are said to be chargeable to more than one source, according to the "rule of proportions," it is meant that the charge should be debited to the several sources in the proportion in which the aggregate salary drawn by the officer during the whole of his qualifying service has been paid from them.

(*e*).—"Pay" means "substantive pay." "Salary" means the sum of "pay" and "acting allowance."

(*f*).—"A Local Allowance" is an allowance, not specially declared to be "pay" or "salary," given to an officer in addition to the regular pay or salary of his appointment, either for duties which do not properly belong to his appointment, or in consideration of exceptional local circumstances (such as the unhealthiness or expensiveness of the locality, or the peculiarly arduous nature of the work).

(*g*).—"General Revenues," for the present, include both Imperial and Provincial.

(*h*).—"Local Fund."—When revenue derived from special sources is devoted to specified objects, and not to the general purposes of the administration, whether Imperial or Provincial, the revenue so devoted forms a "Local Fund."

CHAPTER II.

EXTENT OF APPLICATION.

Application of the Code.

Section **2**.—The rules in this Code and its Supplements apply to all public servants, except the following, who are under Military Rules:

(*a*).—Officers and men in the Army or in the Navy (including Covenanted Medical Officers).

(*b*).—The Subordinate Medical Department.

Sections 1—2.

Section **3**.—The general provisions of the Code do not apply to the under-mentioned officers, whose pensions are regulated as to amount by the special rules contained in the Supplements:

(*a*).—Covenanted Civil Servants of the Crown in India.
(*b*).—Judges of the High Courts of Judicature.
(*c*).—Chaplains ~~and Assistant Chaplains.~~
(*d*).—Members of the Pilot Service in Bengal.

1. The rules in Chapter VII of the Code, however, apply to Covenanted Civil Servants of the Crown in India.

Option of old Rules.

Section **4**.—The following officers are allowed an option (which can be exercised once only) between the rules embodied in the present Code (which, for the most part, came into force on the 8th June 1863) and the rules which previously applied to them:

(*a*).—Covenanted Civil Engineers of the Public Works Department and civil officers of the Telegraph Department, whose covenants are dated before the 8th June 1863, may elect between the rules in this Code and the rules which were in force when they executed their covenants, and which are set forth in Appendix B.

Provided that if they elect the latter, they must abide also by the Leave Rules which were in force before the 8th June 1863.

(*b*).—Marine Engineers in Bengal and Bombay, engaged under covenant in England, before the abolition of the Indian Navy, may elect to serve under the rules in this Code and the Leave Rules which were promulgated with them on the 8th June 1863, or under the terms of their covenants.

CHAPTER III.

General Principles and General Exceptions.

Section **5**.—An officer's claim to pension or gratuity is governed by the rules in force at the time when he resigns or is discharged from the service of Government. No officer has any claim to a benefit granted after his resignation or discharge.

Service under Military Rules

Section **6.**—Service which qualifies for pension under Military Rules does not qualify for pension under this Code. An officer who is counting service for military pension cannot, simultaneously, count service for civil pension.

Examples.—An officer who has served in the Indian Navy, if he afterwards enters civil employ, cannot count his naval service. A non-commissioned officer or private soldier, employed in the Civil Department, cannot begin to count his service for civil pension until he takes his discharge from the Army.

Exceptions.

Exceptions.—1. A Hospital Assistant or Native Doctor, if promoted to be Sub-Assistant Surgeon, counts service from the date on which he passed his examination as Hospital Assistant.

2. Those inspectors in the Telegraph Department who came from England as artificers in 1853, and did not take their discharge from the Army till about 1863, count their departmental service.

3. In the Public Works Department, Warrant officers in the grades of Conductor and Sub-conductor, and non-commissioned officers, are obliged, when promoted to the Engineer establishment, to take their discharge, and their whole departmental service then qualifies.

Cumulative pensions inadmissible.

Section **7.**—An officer cannot earn two pensions at the same time or by the same continuous service.

Persons paid for specific services

Section **8.**—Pension and gratuity are not earned by a person whose whole time is not given up to the regular service of Government, merely because he is paid by Government for work done for it.

Examples.—This rule applies in the following cases:

Advocate General.

Solicitor to Government.

Government Pleaders and Law Professors, when not debarred from private practice.

Sheriffs and Deputy Sheriffs in Presidency Towns.

Coroners.

Roman Catholic priests.

Church clerks and other church servants.

1. Service as Deputy Sheriff of Bombay qualifies under an order of the Financial Department No. 10300, dated

the 26th February 1867. This order was withdrawn on the 11th December 1871. But officers who held the appointment between these dates count the whole of their service in it.

Section **9**.—On the same principle, public servants earn no pension or gratuity in respect of offices of the kind mentioned in the last Section, or in respect of duties paid for by a "local allowance."

Service under covenant.

Section **10**.—Service under a covenant which contains no stipulation regarding pension or gratuity does not qualify, unless the Government of India specially permits it to qualify.

Service for a time only.

Section **11**.—An officer who is appointed for a limited time only, or for a specified duty on the completion of which he is to be discharged, has no claim to pension or gratuity.

Service under twenty-two.

Section **12**.—Except for compensation gratuity, and for pension or gratuity on the inferior scale, service before *completion* of twenty-two years of age, or as an apprentice, does not qualify.

CHAPTER IV.

Qualifying Service.

First condition.—Service under Government.

Service under Government.

Section **13**.—Service qualifies only if it is entirely under Government, *i. e.*, if the officer is appointed, and his duties and pay are regulated, by the Government or under conditions determined by the Government.

1. The following are examples of servants excluded from pension by this rule:

Office under Board of Trade.

A marine officer paid by fees fixed by the Board of Trade.

Municipalities.

Servants of a Municipality.

Grant-in-aid schools and institutions.

Servants of grant-in-aid schools and institutions (*e. g.*, the Asiatic Society and the Canning College in Lakhnow.)

Treasurers' subordinates.

Subordinates appointed by treasurers on their own responsibility, *e. g.*, tahvildars in the North-Western Provinces, and fotadars (money-testers) in Bengal.

Grant-in-aid schools: Exception.

2. The educational authorities in Bengal having induced certain teachers of Government institutions to accept service in grant-in-aid schools, by declaring a rule regarding Bombay schools (Section 26, case *c*) to be applicable to their case, were directed, in December 1863, to offer re-employment in Government schools to the officers referred to; and those who accepted such re-employment reckon their service (not exceeding three years) in grant-in-aid schools as service under Government.

Contract establishment.

Section **14.**—Service on an establishment paid from an establishment allowance made to the head of the office, with the detailed distribution of which the Government does not interfere, does not qualify. The establishment allowance may be fixed in amount, or may consist of fees received by the head of the office.

Registration offices.

1. The maximum establishment allowance for Registration Offices in Bengal is not an establishment allowance within the meaning of the Section, because the Registrar General or Inspector General of Registration, under the orders of Government, regulates its distribution, and any balance unspent is saved to Government.

Allahabad Pay Office.

2. Service in the Allahabad Pension Pay Office, which was formerly paid from an establishment allowance, qualifies in the case of the Native Clerks retained in it when it became a regular establishment.

Service paid from Darbar and Sumptuary allowances.

Section **15.**—Service on an establishment paid from the household allowance of the Viceroy, or of any Governor or Lieutenant-Governor, does not qualify.

Service under employers supplanted by Government.

Section **16.**—In the following cases, service under an employer to whose position Government has succeeded qualifies:

Berars and Mysore.

(*a*).—Service in the Hyderabad Assigned Districts, and in Mysore, in the case of officers transferred to the Government of India when it undertook the administration of those provinces.

Service under Native States.

(*b*).—Service rendered to a Native State and continued to the British Government on the lapse or annexation of the State, when old age or infirmity renders the servant a fit object for pension. But claims to pension under this rule must be referred to the Government of India.

Sections 14—16.

Taluqdari schools, Oudh.

(*c*).—Service in superior grades in taluqdari schools in Oudh, which were converted into Government institutions on the organisation of the Educational Department in that Province.

Military Funds

(*d*).—Service on the establishments of the Military and Medical Funds, in the case of the officers who were on the establishments when the Funds were taken over by Government.

Soldiers of Sikh Darbar.

(*e*).—Service was guaranteed to the soldiers of the Sikh Government who, on annexation, entered the British service in the following Regiments:

Subhan Khan's Regiment (or 1st Panjab Police Battalion).

Sher Dil Regiment (or 2nd Panjab Police Battalion).

Kallar Mukhi Regiment (or 3rd Panjab Police Battalion).

Suraj Mukhi Regiment (or 4th Panjab Police Battalion).

The 3rd Panjab Light Field Batteries.

The 4th or Garrison Company of Artillery.

Two companies of Panjab Sappers.

In accordance with the guarantee, those of them who, on the 28th October 1861, were in employment in any department, are entitled to receive pension for their service under the Sikh Darbar, and for that under the British Government, under the rules for invalid pensions to soldiers in local or irregular corps.

CHAPTER V.

QUALIFYING SERVICE.

SECOND CONDITION.—PERMANENT AND SUBSTANTIVE EMPLOY.

Service permanent and temporary.

Section **17**.—Service qualifies only if the officer holds a substantive appointment on a permanent establishment.

Explanation.

1. Service in an appointment which, though at first created experimentally or temporarily, eventually becomes permanent, qualifies. But this rule does not apply to the case of an officer who is entertained temporarily in one appointment and is afterwards transferred to *another* substantive appointment.

2. An officer officiating in an appointment which is vacant, or of which the permanent incumbent does not draw any part of the pay, may, if he is confirmed without break of continuity, count service as if he had held the appointment substantively.

3. An officer, who holds a substantive appointment and draws substantive pay as a "probationer," holds a substantive appointment within the meaning of the Section. So does an officer who is on probation for a substantive appointment, if he is employed in a vacancy reserved for him pending probation.

Permanent servant deputed.

Section **18**.—If an officer of a permanent establishment is detached on temporary duty, on the understanding that, when the temporary duty ceases, he will return to the permanent establishment, he continues to count service as if he had remained on the permanent establishment.

Examples.—A Deputy Collector deputed to assess or collect the Income Tax.

A Muharrir detached on settlement duty.

Section **19**.—If the substantive appointment of an officer is abolished within the meaning of Section 47, but the officer is, at the same time, deputed by Government on *special* duty, his service continues to qualify.

1.—The speciality of the duty is the essential point in this case, and mere employment, in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, is not within the rule.

Section-writers.

Section **20**.—Section-writers in Bengal, the North-West, and Madras, and press servants in Madras who are paid for piece-work, are reckoned members of a permanent establishment, if—

(1) they are employed, not casually, but as part of a fixed establishment; and

(2) during the last 72 months of their actual employment they have been attached to one office uninterruptedly for 24 months, or it has not been through their own choice or misconduct that they have not been so attached.

Exceptions to the general rule.

Section **21.**—In the following cases temporary service qualifies:

Medical charge of Government vessel.

(*a*).—A surgeon, or duly qualified practitioner, in charge of a Government vessel may count that service if he is transferred from it to the uncovenanted medical service.

"Works" establishments, Public Works Department.

(*b*).—Claims by officers of the Public Works Department whose pay was charged to "Works," before the issue of the Public Works Department Circular No. 6 of 1862, but whose employment was really of a permanent character, will, if the sanction to their entertainment was regular, be specially considered by the Government of India.

Customs Service, Calcutta.

(*c*).—If the Collector of Customs in Calcutta, in transferring an officer from the Extra or Contingent List of the Calcutta Customs Preventive Service, declares that the transfer is made on the ground of good service rendered, the service on the Extra or Contingent List qualifies.

Settlement and Survey Departments.

Section **22.** (*a*).—Service in the Settlement and Survey Departments named beneath, which are on a quasi-permanent footing, qualifies:

The Settlement Departments in Madras, N. W. Provinces, Oudh and the Panjab.

The Revenue Survey Departments in Bengal, Madras and Bombay.

The establishments of the Inam Commissioners of Madras and Bombay.

The Alienation Settlement Department in Bombay.

1.—This rule does not apply to officers engaged on the understanding that their appointments are only temporary, or that they will be liable to discharge after a short period of service.

(*b*).—In other provinces (and in the above-named provinces also, apart from the *regular* departments), settlement and survey work is temporary work, and those engaged in it do not earn pension. But service in the Settlement Department, in any province, and also service in the Malabar Escheat Establishment, Madras, qualifies if it is followed without a break by qualifying service.

1.—Deputy Collectors and similar gazetted officers, when not specially employed for temporary work, are not affected by this rule, as they count service independently of the particular department to which they happen for the time to be attached.

CHAPTER VI.

QUALIFYING SERVICE.

THIRD CONDITION.—SOURCE OF REMUNERATION.

Specification of sources.

Section **23**.—Service which satisfies the conditions laid down in CHAPTERS IV and V qualifies or does not qualify according to the source from which it is paid.

Service is paid in the following ways:

A.—From General Revenues.

B.—From Local Funds.

C.—From funds in respect of which the Government holds the position only of a trustee.

D.—By fees levied by law, or under the authority of the Government.

E.—By commission.

F.—By the possession, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money.

Political Agencies.

1. Officers on establishments of Political Agencies are exempted from this condition. But when their salaries are paid by Native States, they must pay to the Government of India a deduction of 12 per cent. in the case of superior servants, and 6¼ per cent. (one anna in the Rupee) in the case of inferior servants.

This condition should be introduced gradually, whenever existing arrangements are revised. Officers of the Rewah Political Agency already pay 6 per cent.

A.

Paid from General Revenues.

Section **24**.—If the service is paid from the General Revenues, it qualifies.

Berars and Mysore.

Section **25**.—The revenues of the Hyderabad Assigned Districts and of Mysore are part of the

General Revenues within the meaning of the last Section; provided that pensions and gratuities for service wholly or partly paid from those revenues, shall be charged against those revenues wholly, or according to the rule of proportions, as the case may be.

1. The same rule applies in the following cases :

(*a*).—Mamlatdars and Karkuns on establishments paid from the revenues of the Peint States.

(*b*).—Government servants in superior grades transferred to service under the Municipality of Malcolm Peith which is under Government control.

General Revenues recouped from other sources.

Section **26**.—When contributions are made by Railway Companies, or from Local Funds, or special sources, towards the cost of appointments and establishments which are maintained directly from the General Revenues, the numbers and pay being fixed by the Government of India, the establishments are treated as paid from the General Revenues.

The following cases fall under this rule :

Shipping Master.

(*a*).—The Shipping Master, Deputy Shipping Master, and their establishments, at Bombay, and the Deputy Shipping Master in Calcutta, the expense of which appointments is provided for by shipping fees.

Hooghly and Elphinstone Colleges.

(*b*).—The establishment of the Hooghly College and Collegiate School, and also that of the Elphinstone College and High School, the costs of which are recovered from private endowments.

Bombay schools on old system.

(*c*).—Masters and Assistant Masters in schools established in Bombay on the old system (converse to the grant-in-aid system), whose pay was met in part by local contributions. The pension in this case is reckoned only on the share of salary paid by Government.

Sehor school.

(*d*).—The establishment of the Sehor (Central India) School, the expense of which is reimbursed in part from local subscriptions.

Customs establishments, Bombay.

(*e*).—The following customs establishments in Bombay, the cost of which (including, in the case of

some of them, six per cent. additional to cover cost of pension) is reimbursed by private companies:

	Name of Establishment.	Monthly Cost.	Name of Company reimbursing to Government.
1.	Jamsetjee Bandar Custom House	159 0 0	Messrs. Remington and Company.
2.	Hydraulic Press ...	130 8 0	Mr. Ardaseer Cowasjee Modee.
3.	Victoria Land and Press ...	321 0 0	Messrs. Remington and Company.
4.	P. & O. Company's Dockyard at Mazagon	621 8 0	P. and O. Company.
5.	Arthur Bandar Custom House	40 0 0	London Asiatic and American Company.
6.	Frere Land and Pier Company's Bandar ...	178 0 0	Messrs. Sir Charles Forbes and Company.
7.	Arthur Bandar Fort Press Company	59 0 0	Messrs. Ewart, Lathem and Company.
8.	Imperial Cotton Press ...	138 0 0	Narsee Keshowjee and Company.
9.	Akbar Cotton Press Company	136 0 0	Messrs. Ewart, Lathem and Company.
10.	Arthur Bandar Custom House	59 0 0	Hormusjee Dadabhoy Doobash.
11.	Powder Works Bandar of the Mazagon Land Reclamation Company ...	249 8 0	Messrs. Ritchie, Stewart and Company.
12.	Messrs. W. Nicol and Company's Dockyard, Mazagon	238 0 0	Messrs. W. Nicol and Company, Agents of the British India Steam Navigation Company.

Jail Writers, Bombay.

(*f*).—Second writers in jail establishments in the Bombay Presidency, sanctioned by Financial Department Order No. 523, dated 4th June 1867.

Book-keeper, High Court, Bombay.

(*g*).—The book-keeper of the High Court at Bombay whose pay is provided for by a three per cent. commission on invested funds.

B.

Paid from local funds.

Section **27**.—Except as provided in the Sections immediately following, service paid from Local Funds does not qualify.

Discretional power of Government.

Section **28**.—In the case of Local Funds which satisfy the two conditions following:

(1) that their income is derived from taxation, or other *permanent* source, and not from charitable donations, or voluntary subscriptions;

(2) that the source of their income is under the control of Government;

the Local Government may, at its discretion treat the service as qualifying.

Explanation.

1. Taxes imposed by Municipalities are not under the control of Government, so that service under a Municipality cannot qualify for pension from Government. But there are, in the Bombay Presidency, some Local Funds administered by Municipalities, the source of whose income is under the control, not of the Municipalities, but of Government; for it is not in the power of the Municipalities to abolish them or reduce their income. In these cases, if the first condition is fulfilled, the Local Fund would be within the rule.

2. In the case of officers of establishments paid from Port Funds, managed by Government, and not by trustees, the rule in this Section applies absolutely.

Pension charged against fund.

Section **29.**—Pension or gratuity for service under a Local Fund is paid from the Local Fund.

Mixed service.

1. When part of the service of an officer to whom such pension is conceded has been paid from the General Revenues and part from Local Funds, the pension is paid from these sources according to the rule of proportions. The Local Fund service may not be neglected, and a pension awarded solely for the service paid from General Revenues.

Pension Fund.

2. The Government does not guarantee the solvency of funds (such as the local educational pension fund, Bombay) formed by the subscriptions of Local Fund servants and established to provide pensions for them. (See Appendix C, Extract 1.)

Exceptions to general rule.

Section **30.**—In the following cases, service paid from Local Funds qualifies for pension or gratuity from the State:

Cotton Frauds establishment, Bombay.

(*a*).—Government servants transferred to establishments under the Cotton Frauds Act, Bombay, before the receipt of the Secretary of State's despatch to the Government of India, No. 302, dated 16th December 1864, which directed their early re-transfer to the regular service.

Lithographic Press, Calcutta.

(*b*).—Servants of the Lithographic Press, Calcutta, transferred with it to the Alipore Jail in January 1860, and afterwards paid from the convict labor fund.

Public Works Engineers lent to local funds

(*c*).—Members of the regular Public Works Establishments, employed on local funds works, under the

authority of Government. From the date of publication of this Code, this permission is restricted to Engineer Officers.

C.

Paid from Trust Funds.

Section **31.**—Service paid from funds which Government holds only as a trustee does not qualify.

Examples.—Courts of Wards. Attached estates.

See Chapter VII.

D. & E.

Paid by fees or commission.

Section **32.** (*a*).—Service in an office paid only by fees levied by law or under the authority of Government, or by a commission, does not qualify.

(*b*).—Service in an office paid by fees or by commission *in addition* to salary from the General Revenues qualifies.

Administrator General, &c.

1. Service as Administrator General, or as Official Assignee, does not qualify, even though (as in Madras and Bombay) the income from fees or commission is supplemented from the General Revenues.

Nazirs paid by fees.

2. Nazirs on the establishments of Civil or Revenue Courts, who were paid wholly or partly by fees, are entitled to pension, unless the establishment on which they served is excluded by Section 14.

Thoogyees.

3. Service as a Thoogyee (local collector of revenue) in Burmah, qualifies.

F.

Paid by a tenure in land.

Section **33.**—Service paid by the possession, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify.

Kaira hereditary officers.

1. An officiating hereditary district officer in Kaira appointed under Act XI of 1843, if transferred to qualifying service, counts his previous service.

CHAPTER VII.

OFFICERS LENT TO NATIVE STATES, MUNICIPALITIES, &c.

[NOTE.—The rules in this Chapter apply also to Covenanted Civil Servants, and to Military officers in Civil employ. See Appendix C, Extract 2.]

Section **34.**—The following rules provide for the case of officers transferred, on or after the 14th

October 1871, from qualifying service under Government to service under Native States, Municipalities, or other bodies financially independent of the Government of India: Provided that the transfer is made, under the general or special sanction of the Government of India, on public or political grounds, and not only in the interest of the officer transferred.

Transfers to service paid from Local Funds and not admitted under Section 28, and mere temporary transfers to service paid from Local Funds under which service is so admitted, are within the meaning of this Section.

Examples.—The following are examples of "bodies financially independent of the Government of India:"

Port Trusts. Courts of Wards.

Note as to transfers before 14th October 1871.

[NOTE.—Before 14th October 1871, the date of the promulgation of the rules in this Chapter, service under Native States, Municipalities, or other bodies financially independent of the Government of India, did not ordinarily qualify, as it did not satisfy the first and third conditions of qualifying service. Unless specially exempted, or unless their case fell within one of the special rules stated beneath, officers, not being Covenanted Civil Servants, or officers of the Army, who accepted such service, ceased to have any claim on the Government of India in respect of pensions. The rules in this Chapter do not affect the position of these officers, and they must abide by the conditions under which they left the regular service. In the same way officers who may transfer their services in future will have no claim unless the transfer is such as is provided for in these rules.

Special rules in force before the 14th October 1871.

1. Officers transferred by competent authority to service under Native States, for a purpose in which the Government is interested, count their service, as if it were under the Government of India.

The following cases are within this rule:

(*a*).—Teachers transferred to the service of the Chamba State. In this case the pension is paid by the Government of India and the Raja of Chamba according to the rule of proportions.

(*b*).—Officers transferred to service in the Kolapúr school; the pension being chargeable according to the rule of proportions to the Government of India, and to a fund formed by a contribution proportional to salary paid by the Chief of Kolapúr.

(*c*).—Officers transferred under the authority of the Government of the Panjab to service under the Bhawalpúr State. In this case the charge for the pension will be shared by the Bhawalpúr State according to the rule of proportions.

(*d*).—Assistant Opium Agents in independent Native States, whose pay is found by the Native States. In this case the pension is also paid by the Native States.

2. Subordinates in the Revenue Survey, temporarily lent to Municipalities for duty which, though paid for by them, also promotes imperial interests, count their service as if it were under Government.

3. Medical Officers lent to charitable dispensaries or hospitals, count their service as if it were under Government.

4. Officers transferred on or after 23rd April 1863 by the authority of Government, or their official superiors, from qualifying service under Government, to service of the following descriptions, count their service as if it were paid from the general revenues:

Service under the Courts of Wards.

Service in Jágír States in Bombay.

Service under the Taluqdari Settlement Officer in Bombay.

Provided that six per cent. of the salary be contributed to the Government of India, either by the officer himself, or from the funds whence the salary is paid. This proviso has effect from the 9th November 1870 in the case of service under the Courts of Wards, and from the 6th July 1871 in the case of service in Jágir States or under the Taluqdari Settlement Officer.]

Contribution required.

Section **35.** (*a*).—From every officer transferred in the manner specified in the last Section,

who does not wholly resign the service of Government, or who is not, for special and public reasons, exempted from the operation of the rules in this Chapter, a contribution shall be levied of one-fifth of the salary which he receives from his employers; that is, he will receive from his employers pay and acting allowance fixed in accordance with the rules of the Government service, for the appointment which he holds or in which he officiates, and retaining four-fifths, will pay one-fifth to the Government of India.

(*b*).—In return for this contribution the Government accepts the charge for his pension or gratuity, and also that for his absentee allowances (except in the case of privilege leave, regarding which no arrangement can be made, and during which the contribution must be paid in the same manner as if the officer were on duty), in the same manner and to the same extent as if he were in the regular service of Government; save only that the calculation of pension, gratuity or absentee allowance is based only upon the four-fifths which he retains, instead of upon the full amount which he receives, of pay or salary.

1. With the special permission of the Government of India in the Financial Department, officers may make the contribution prescribed in this Section in respect of a part only, not being less than two-thirds, of their salary: Provided that the pension, gratuity or absentee allowance will be calculated only upon four-fifths of the amount in respect of which the contribution is paid.

2. A Native officer may resign all claims to allowance during leave, other than privilege leave, and in such case the contribution required is 12 per cent. instead of one-fifth.

3. In the case of inferior servants to whom the leave rules do not apply, the contribution required is one anna in the rupee.

4. If the salary of the officers is disbursed at a Government treasury, the required contribution will be deducted at time of payment; otherwise the officers themselves must pay the amount directly to the British Government in such manner as may be arranged.

5. An officer whose services are lent or transferred, is not permitted to withhold the contribution upon condition

that the time of his service so lent or transferred will not count for pension or for leave. He must either wholly resign the service of Government, or, unless he is specially exempted, make the contribution required by these rules.

6. The deduction made under this Section from the salary of a Covenanted Civil Servant includes the deduction on account of Annuity Fund. The portion which is to be considered as Annuity Fund deduction is equal to one-twenty-fourth part of the salary remaining to the officer after the whole deduction; and until the Annuity Funds of the Madras and Bombay Civil Service are abolished, this portion of the deduction, made from a subscriber to either of these funds, should be credited to the fund to which he subscribes.

7. No officer has any right of property in his contributions, or any claim upon Government in respect of them except to receive such pension, gratuity, or absentee allowance, as may become admissible to him in accordance with the rules of the Government service.

Excepted cases

Section **36.**—The rules in the last Section do not apply to the following cases:—

Teachers in Chamba

(*a*).—Teachers transferred to the service of the Chamba State. In this case the pension is paid by the Government of India and the Raja of Chamba according to the rule of proportions.

Kolapúr school.

(*b*).—Officers transferred to service in Kolapúr school. In this case the pension is charged, according to the rule of proportions, to the Government of India and to a fund formed by a contribution proportional to salary paid by the Chief of Kolapúr.

Assistant Opium Agents.

(*c*).—Assistant Opium Agents in independent Native States, whose pay is found by the Native States. In this case the pension is also paid by the Native States.

Charitable dispensaries.

(*d*).—Medical officers lent to charitable dispensaries or hospitals. These count service as if it were under Government.

Colonial Governments.

(*e*).—Officers lent to Her Majesty's Government in England or to any Colonial Government. These cases are left for special treatment as they arise.

Section 36.

CHAPTER VIII.

SUPERIOR AND INFERIOR SERVICE.

Section **37.**—Qualifying service is divided into superior and inferior.

[NOTE.—The terms "superior" and "inferior" will henceforth take the place of "eligible" and "ineligible" heretofore used.]

Inferior service

Section **38.**—Service on pay not exceeding ten Government rupees and service in the following capacities, is classed as inferior:

(*a*).—Messengers, orderlies, and peons.

(*b*).—Boatmen and seamen.

(*c*).—Artificers (except as specified in Rule 1 under Section 39), handicraftsmen, and laborers.

(*d*).—Inferior and menial servants of all sorts.

1. The following have been held to be included in these designations:

(*a*).—Priests and other officers employed to administer oaths, jamadars, sirkars, turnkeys, chaudharies of bazars.

(*b*).—Maistries in the Public Works Department, distributors and pressmen in printing and lithographing establishments.

(*c*).—Fotadars (money-testers), weighmen in mints (except the head weighman), shroffs, daftaries, and muchies.

2. Tallaties (village accountants) in Bombay are, by the terms of their appointment, classed with inferior servants.

Superior service.

Section **39.**—Service in capacities other than those indicated in Section 38, is superior service, except where any class of servants have been graded as inferior by the rule or practice of the Local Government.

1. The following also are classed as superior if their pay exceeds 10 Government Rupees:

High class artificers.

(*a*).—Cutlers in the Medical Department.

(*b*).—Artificers, Assistant Artificers, and Mounted Artificers in the Telegraph Department.

(*c*).—Mint Artificers, if their occupation is injurious to health.

[NOTE.—For Dockyard and Military Artificers there is no rule; but the Government of India, in the case of deserving men of long service, recommends the Secretary of State to award special pensions.]

Gunpowder Factory, Madras.

(*d*).—Workmen employed in the Gunpowder Manufactory of Madras, before the 28th January 1871, when they become permanently disabled by sickness or old age. These are admitted even if their pay does not exceed Rs. 10.

Divers.

(*e*).—Divers (in consideration of the dangerous nature of their employment).

Vaccinators.

(*f*).—Vaccinators ~~in the Bombay and Madras Presidencies~~ (including in the Madras Presidency, those whose pay is Rs. 10) ~~, and in other Presidencies where the vaccine establishment has been re-organised in accordance with Financial Department Order No. 4646, dated 30th September 1865, those retained after the re-organisation~~.

Book-binders.

(*g*).—Book-binders (*i. e.*, those whose professional occupation is book-binding, and who are not mere daftaries).

Shroffs.

(*h*).—Shroffs in Madras who were in the service on 22nd May 1856, and Shroffs in Bombay, who were really clerks, and whose designation was, under the order of the Court of Directors, No. 1, dated 22nd October 1858, changed into Karkuns.

Bazar Kotwals.

(*k*).—Kotwals of bazars.

[NOTE.—On 14th December 1869 the following was declared to be the establishment of Kotwals of bazars in Bombay, and the officers who, on that date, filled those posts, may be classed with superior servants retrospectively in respect of service as Kotwal or as Chaudhary of any of the bazars enumerated:

Poona (two), Belgaum, Deesa, Mhow, Nasirabad, Aden, Malligaum, Assirghar, Neemuch, Ahmadabad, Ahmadnagar, Sholapore, Hyderabad, Jacobabad.]

Commissariat.

(*l*).—Commissariat Inspectors, Hospital Purveyors and Victualling Gomashtas.

(*) Tomandars and Naib-Tomandars of the Thuggee and Dacoity Department.

Vakils. (*m*).—Vakils attached to the Barr Infantry (Mysore).

Printing establishments. (*n*).—Workmen employed in printing establishments, except those whose work is purely mechanical, such as distributors and pressmen.

Section-writers. (*o*).—Section-writers and press servants admitted under Section 20, in those months only in which their earnings exceed Rs. 10.

2. If an officer holds two or more offices, each of which is inferior by reason of the pay not exceeding Rs. 10, he cannot count service as superior on the ground that the aggregate pay exceeds Rs. 10, unless the offices were arranged, and their pay determined with the intention that they should be held by one individual.

Doubtful cases. *Section* **40**. (*a*).—When the regular duties of an officer who bears an inferior designation are really such as are ordinarily performed by a superior officer, his claim to pension or gratuity should be specially referred to the Government of India.

(*b*).—On the other hand, a person whose real duties are those of an inferior officer, is not entitled to pension or gratuity on the superior scale, merely because he draws pay under a superior designation.

Example.—A lithographic pressman charged for as a copying clerk.

1. In consideration of the low scale of pay prevailing in Mysore during the Native Administration, the Chief Commissioner may allow service, even on pay not exceeding Rs. 10, in offices which must have been filled by educated men, to reckon as superior service. (See Section 66, Rule 1).

Fotadars 2. A class of servants in the North-Western Provinces who were called "fotadars," but whose duties were really those of accountants, have been declared superior servants, under clause (*a*) of this Section.

CHAPTER IX.

PERIODS OF LEAVE AND SUSPENSION.

Superior service. *Section* **41**.—Periods of absence on other than privilege or preparatory leave are not reckoned as superior service. Leave preparatory to leave on medical certificate is not reckoned as service in the case of an officer who has twice before had leave on medical certificate beyond India.

Leave before 1856.

1. This rule applies to leave on medical certificate taken before 1856. Such leave was reckoned as service under the old rules, but is not reckoned under the new rules, the periods of service required by which are generally shorter.

Exception.

2. Leave during recess on half pay, granted to Native Surveyors in the Revenue Survey Department in Bengal, the North-Western Provinces, and the Panjab, being allowed for public reasons, is reckoned as service.

Inferior service.

Section **42.**—In the case of inferior service, authorised leave is reckoned as service.

1. Leave not materially exceeding in amount that admissible under the Uncovenanted Service Leave Rules may, if granted by a competent authority, be considered "authorised."

Suspension.

Section **43.**—The time passed under suspension pending enquiry is reckoned as service in case of reinstatement. If suspension is adjudged as a specific penalty, the time is disallowed.

1. If an officer who has been suspended pending enquiry into his conduct is reinstated, but with forfeiture of any part of his allowances for the period of suspension, this period is not reckoned as service. But the authority who reinstates the officer may expressly declare, *at the time*, that the period shall be reckoned.

CHAPTER X.

FORFEITURE OF PAST SERVICE.

Break in continuity.

Section **44.**—A break in the continuity of service entails forfeiture of past service, except in the following cases:—

Leave.

(*a*).—Authorised leave.

Absence after leave.

(*b*).—Absence prolonged after the end of leave:

Provided that if an officer remains absent for more than a week after the end of privilege leave, his past services are forfeited, unless the authority whose duty it is to make the appointment re-appoints the officer and makes a declaration (to be communicated to the Accountant General) that his past services or part of them shall qualify. If he remains absent for more than a month, his past services cannot qualify without the special order of the Government of India.

Sections 42—44.

No. 1639.

Fort William, the 6th March 1872.

The Governor General in Council is pleased to direct that the following be added as Rule 2 under Section 46 of the Civil Pension Code :—

Absence on leave in or out of India is no bar to an officer's being admitted to pension or gratuity.

Section 46, *Rule* 3.—If an officer has held more than one appointment, in respect of each of which, if he had held it separately and alone, pension or gratuity would have been admissible to him, the pension or gratuity, or pension and gratuity, admissible to him is the sum of the several pensions

This proviso has effect from 11th January 1869.

Suspension. (*c*).—Suspension followed by reinstatement.

Abolition of office. (*d*).—Abolition of office.

Transit. (*e*).—Transit from one appointment to another.

Transfer to non-qualifying service. (*f*).—Transfer to non-qualifying service in an establishment which is under Government control. The transfer must be made by an authority competent to sanction it; and an officer who voluntarily resigns qualifying service cannot claim the benefit of this rule. Transfer to a grant-in-aid school always entails forfeiture.

Mutiny. (*g*).—Loss of appointment owing to the mutiny, provided that the officer affected cleared his character, and was re-appointed as soon as a suitable vacancy was found for him.

Removal from office. *Section* **45.**—Resignation of the public service, or removal from it on account of misconduct, or for inefficiency, or on account of failure to pass a prescribed examination, entails forfeiture of past service.

1. But an officer who resigned the public service, before the 8th June 1863 in the case of superior servants, and before 1st September 1871 in the case of inferior servants, and was re-appointed to the public service within twelve months of his resignation, is permitted to count the service rendered before resignation. This rule can be applied to only one resignation in the case of each officer.

2. It is not admissible to grant to an officer pension or gratuity because he has misconducted himself, or because it is desired to remove him for inefficiency.

CHAPTER XI.

CONDITIONS OF AWARD OF PENSION AND GRATUITY.

Classification. *Section* **46.**—Pensions and gratuities are of four classes:

A.—Compensation pensions and gratuities.

B.—Invalid pensions and gratuities.

C.—Superannuation pensions and gratuities.

D.—Retiring pensions.

1. Gratuities are paid in single sums, and not by instalments.

A.

Compensation pension.

Section **47**.—A compensation pension or gratuity is awarded to an officer discharged from the public service when, on reduction of establishment, his appointment is abolished.

1. Before a pension or gratuity is granted to an officer discharged on abolition of appointment, it must be carefully considered whether he cannot be provided for in some other manner. Heads of Departments, in forwarding to the Local Government or to the Government of India, applications for such pension or gratuity, should invariably state for what reasons it has been found impossible to provide suitable employment for the applicant; and in the quarterly statements furnished by Local Governments of such pensions and gratuities, it should be stated in respect of each case, that it has been found on enquiry impossible to provide for the officer elsewhere.

Explanation.

2. The discharge of one officer to make room for another is not the abolition of an appointment within the meaning of this Section; the abolition must produce a real saving to Government in respect of the cost of the appointment. If it becomes necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the Government of India.

3. An appointment, the pay of which is reduced as part of a general scheme of reduction, may be considered abolished within the meaning of this Section.

Graded officers.

4. Deputy Collectors, Munsifs, and similar officers, who belong to the public service apart from their particular local appointment, cannot obtain pension or gratuity of this class, in consequence of the abolition of the particular appointment which they happen at the time to be filling.

Excepted cases.

5. No pension or gratuity can be awarded on discharge after the completion of a specified term of service.

6. No pension or gratuity can be awarded for the loss of a local allowance.

Abolition of one of two appointments.

7. If, of two appointments held by one officer, one is abolished, and the other retained, the case should be specially submitted to the Government of India.

Transfer to an appointment of less value.

Section **48**.—If an officer who is entitled to receive compensation pension or gratuity, accepts, instead, another appointment in the Government service (whether qualifying or not), he will, if he subsequently becomes entitled to receive a pension

(a)

No. 2938.

Fort William, the 26th April 1872.

The Governor-General in Council is pleased to direct that the following addition be made to the Civil Pension Code 49, 2:—

But if an Officer who is appointed on a salary not exceeding Rs. 50 a month cannot conveniently appear before a Commissioned Medical Officer or a Medical Officer in charge of a Civil Station the local Government may accept a certificate from any other officer.

3. The Medical Certificate required by rule 2 must be annexed to the first Bill submitted for the pay of an officer in appointed in Govt. Vide order N2959 of 20 Septr

or gratuity of any class, receive not less than he would have been entitled to claim had he not accepted the appointment.

B.

Invalid pension.

Section **49**.—An invalid pension or gratuity is awarded to an officer who, by bodily or mental infirmity, is permanently incapacitated for the public service, or for the particular branch of it to which he belongs.

1. An officer discharged on other grounds has no claim under this Section, merely because he can produce medical evidence of incapacity for service.

2. To prevent undue liability for invalid pensions no person may be appointed to a superior grade in the public service in India without a certificate by a commissioned Medical Officer, or by a Medical Officer in charge of a Civil Station, that he has no disease, constitutional affection or bodily infirmity, unfitting him, or likely to unfit him, for the public service of the Government of India. A similar rule is enforced by the Secretary of State in respect of persons selected by him for service in India.

Medical certificate by whom attested.

Section **50**.—Incapacity for service must be established by a medical certificate attested as follows:

(*a*).—If the officer submitting it is on leave in England, by the Medical Board of the India Office.

(*b*).—If he is serving at any Presidency Town, by the Inspector General of the Medical Department.

(*c*).—If he is a superior servant and is serving within a moderate distance of a station where a Military Invaliding Committee is periodically assembled, by such Committee.

(*d*).—In other cases, the local Government may either accept a certificate given by a single commissioned Medical Officer or Medical Officer in charge of

Chap. XI.] **Conditions of award of pension and gratuity.**

The Governor-General in Council is pleased to direct that the following be added as Rule 2, under Section 50 of the Civil Pension Code :—

2. If the officer applying for pension or gratuity be 60 years old or upwards, no certificate by a medical officer is necessary. It will suffice for the head of the office to certify to the incapacity of the applicant. G. G. O. N 3435 & 11 Oct 72.

The Governor-General in Council directs that the following paragraph be added to Rule 1, section fifty-three of the Civil Pension Code :—

If an officer whose age is less than sixty years is required to retire under this Rule, the head of his office must certify under the head of "Any other remarks" on the third page of the officer's application for pension or gratuity that the officer is inefficient owing to age or infirmity. G. O. N 3132 & 26 Sept 72

a Civil Station, or convene a special Invaliding Committee at a convenient Civil Station.

1. If the pension applied for exceeds Rs. 100 a month, a certificate by a single Medical Officer should not be accepted as sufficient, if it is possible, without undue inconvenience, to convene an Invaliding Committee, or to cause the applicant to appear before a Medical Board.

(1)

Medical certificate, what to contain.

Section **51**.—The medical certificate must state in sufficient detail :

(*a*).—Whether the officer's incapacity for service is or is not permanent;

(*b*).—The nature of it, and especially whether it is in any degree the result of irregular or intemperate habits.

Pension awarded accordingly.

Section **52**.—If the incapacity is the result of irregular or intemperate habits, pension or gratuity cannot be granted; otherwise, it is for the Local Government to decide whether the officer's incapacity is such as to render it necessary to admit him to invalid pension or gratuity.

Officer to be at once discharged.

1. An officer who has submitted a medical certificate of incapacity for further service must not (except for special reasons to be reported to the Government) be retained in the service, pending the decision on his application for pension. The object of this rule is to discourage tentative applications.

C.

Superannuation pension.

Section **53**.—A superannuation pension or gratuity is granted to an officer compelled by rule to retire at a particular age.

1. An officer in a superior grade, who has attained the age of 55 years, should be required to retire, unless the Local Government considers him efficient and permits him to remain in the service. As the premature retirement of an efficient officer imposes a needless charge on the State, this rule sho ld be worked with discretion; and no officer can *claim* to retire on the ground that he is 55 years old.

2. An annual return of officers permitted to remain in the service after the age of 55 years, should be submitted in the subjoined form to the Government of India in the Administrative Department concerned:

1. No.
2. Office.
3. Name of officer.
4. Present age.
5. Period of extension.
6. Grounds of extension and remarks.

3. In the Public Works Department, the above rule will not, until the 1st January 1876, apply to officers appointed to the Department before the 1st January 1871, unless they have attained the age of 60 years, or have been in the same appointment, grade, or class, for five years.

D.

Retiring pension.

Section **54**.—A retiring pension is granted to an officer who voluntarily retires after completing the requisite period of service.

CHAPTER XII.

AMOUNT OF PENSION OR GRATUITY.

Section **55**.—The amount of pension or gratuity awardable is determined by length of service as specified in the Sections immediately following.

Explanation.

1. An officer entitled to pension is not permitted to take gratuity instead.

A.—FOR SUPERIOR SERVICE.

Compensation and invalid pension

Section **56**.—Compensation and invalid pension and gratuity:

(*a*).—After service of less than fifteen years.—Gratuity not exceeding (except in special cases, and under the orders of the Government of India) one month's emoluments (as defined in CHAPTER XIII) for each completed year of service, and not exceeding twelve months' emoluments in all.

(*b*).—After service of fifteen years and less than twenty-five years.—Pension not exceeding one-third of the officer's average emoluments (as defined in CHAPTER XIII), and also not exceeding Rs. 2,000

a year if his average emoluments do not exceed Rs. 12,000 a year, or Rs. 3,000 a year in any other case.

(*c*).—After service of twenty-five years.—Pension not exceeding one-half of the officer's average emoluments, and also not exceeding Rs. 4,000 a year if his average emoluments do not exceed Rs. 12,000 a year, or Rs. 5,000 a year in any other case.

Superannuation pension.

Section **57**.—Superannuation pension and gratuity :

The same in amount as invalid pension or gratuity :

Provided that if an officer's qualifying service have begun after the 20th January 1871, and after he attained the age of 25 years, the pension admissible as invalid pension is to be multiplied by a fraction, the numerator of which is the number of years' service completed, not exceeding 30, and the denominator of which is 30. The limit of Rs. 2,000, Rs. 3,000, Rs. 4,000, or Rs. 5,000, is to be applied before, and not after, this multiplication.

Retiring pension.

Section **58**.—Retiring pension :

After service of thirty years.—The same in amount as the invalid pension admissible after twenty-five years' service.

Extension of the maximum.

Section **59**.—In the following cases, the prescribed limits of Rs. 2,000, Rs. 3,000, Rs. 4,000, and Rs. 5,000, may be relaxed :

(*a*).—For officers whose average emoluments exceed Rs. 10,000 a year, and who entered the service before the 19th May 1855, or were, before the 6th August 1862, promoted to salaries exceeding Rs. 10,000 a year, the limit is ordinarily Rs. 5,000 a year; but in cases of extraordinary merit, pensions exceeding that limit may be allowed under the sanction of the Secretary of State.

(*b*).—To officers who entered the service before the 19th May 1855, but whose average emoluments do not exceed Rs. 10,000 a year, the Secretary of State, on the recommendation of the Government of India, sometimes awards special pensions in excess of the limits, for "unusually meritorious services."

(*c*).—For Native Judges (see Appendix B) who were in the service on the 29th October 1866, the limit is ordinarily Rs. 5,000 a year.

[NOTE.—The limits which may be relaxed under this Section, are the maximum money limits, and not the limits of one-third or one-half average emoluments.]

Explanation as to full pension.

Section **60**.—The full pension or gratuity admissible under the rules is not to be given as a matter of course, or unless the service rendered has been really approved.

1. Where the service has not been thoroughly satisfactory, the local Government should make such reduction in the amount of pension or gratuity as it thinks proper.

Privileges in counting service.

Section **61**.—In the following cases, certain privileges exist in respect of the length of service required for pension :

Educational Officers.

(*a*).—For educational officers of the following classes entering the service after twenty-five years of age, the periods of service for pension are twelve, twenty-two, and twenty-seven years, instead of fifteen, twenty-five, and thirty years, respectively :

(1).—Inspectors of Schools.

(2).—Principals and Professors of Colleges.

(3).—Head Masters of Schools and Colleges.

To entitle an officer to the benefit of this rule the whole of the requisite period of service must have been passed in the grades specified.

Officers appointed before June 1863.

(*b*).—Officers appointed before the 8th June 1863 may (if compelled to take invalid pension) be permitted by the Government to count service for one-third or one-half pension according to the old rules: provided that they have not enjoyed any advantages under the new leave rules which they might not equally have enjoyed under the old. The *amount* of the pension must, however, be calculated in accordance with the rules in this and the following Chapters.

Example.—An officer has served Government for twenty-one years, of which five years were passed before he was twenty-two years old, and

two years were passed on leave on medical certificate under the rules of 1856. His service calculated under the rules is only fourteen years, the rest being excluded by Sections 12 and 41, and he would not be entitled to pension under Section 56 (*b*); but under the old rules (See Appendix B) the whole twenty-one years would count, and he would be entitled to pension under Section 56 (*b*), having completed the twenty years' service required by the old rules.

Native Judges.

(*c*).—Native Judges who were in the service on the 29th October 1866, and who were entitled to exceptional advantages under the old rules (see Appendix B) may count service for one-third and one-half pension in accordance with the old rules.

Lakhnow Garrison.

(*d*).—Uncovenanted officers who formed part of the garrison of Lakhnow during the siege in 1857 count one year's additional service.

Barrister appointments

Section **62**.—To the following officers, being barristers-at-law, or advocates of one of the High Courts of India, or of the Court of Session of Scotland, *viz.*:

Judges of the Chief Court of the Panjab.

First Judges of Small Cause Courts of Presidency Towns.

Recorder of Rangún.

Secretary (formerly Assistant Secretary) to the Council of the Governor General for making Laws and Regulations.

Invalid and retiring pensions are admissible as follows:

(*a*).—After six years and nine months' active service in one or more of the above offices, an invalid pension of £300 a year.

(*b*).—After eight years and eight months' such service, an invalid pension of £500 a year.

(*c*).—After twelve years' such service, a retiring pension of £750 a year.

1. Active service, besides time spent on duty, includes privilege leave, subsidiary leave, and periods of vacation during which the officer is not on furlough or extraordinary leave.

Section 62.

2. In cases not provided for by this Section, the officers specified come under the ordinary rules.

B—For Inferior Service.

For inferior service.

Section **63.**—For inferior service pension and gratuity are awarded as follows :—

(*a*).—Compensation and invalid gratuity:

Service less than 5 years,———*nil.*

5 years and less than 10 years, — 3 months' pay.

10	,,	,,	15	,,	— 4	,,	,,
15	,,	,,	20	,,	— 5	,,	,,
20	,,	or more			— 6	,,	,,

(*b*).—Compensation pension:

Service not less than 30 years,—half pay not exceeding Rs. 4.

(*c*).—Invalid pension:

Service not less than 35 years,—half pay not exceeding Rs. 4.

1. In special cases the Government of India grants more than half pay, but never more than Rs. 4.

2. For inferior service in Mysore no pensions are awardable, but compensation and invalid gratuities may be granted at the rate of one month's pay for each year of service, the pay to be taken at the average of the last three years. Inferior servants on the Sowar establishment and on the establishments attached to the Barr Infantry come under this rule.

3. To servants of the Mysore Palace establishment, the Chief Commissioner grants pensions at the rates prescribed in this Section; and he may grant compassionate pensions to helpless old servants not entitled to regular pensions. A portion, not exceeding half, of the pensions of these servants, may be continued to their widows, if they have no other means of subsistence, and no arrangement can be made to employ any member of the family.

C.—For Service partly Inferior and partly Superior.

Service partly inferior and partly superior.

Section **64.**—If the service of an officer have been for some time inferior and for some time superior, he has the option of counting the whole

as inferior service towards pension or gratuity on the inferior scale, or of counting so much of it as is superior towards pension or gratuity on the superior scale.

Section **65**.—If the officer was promoted from the inferior to the superior grades as a reward for meritorious service, the case may be specially considered by the Government of India.

1. This rule is to be strictly interpreted, and claims under it can be founded only on exceptional promotion, made out of the ordinary course.

CHAPTER XIII.

CALCULATION OF PENSION AND GRATUITY.

Meaning of "pay" and "emoluments."

Section **66**. (*a*).—The words "pay" and "emoluments" used in CHAPTER XII mean the pay and emoluments which the officer was receiving at the time of his retirement from service.

(*b*).—"Average emoluments" means the average calculated for the last five years of service.

1. In the case of officers claiming the benefit of Section 40, Rule 1, "average emoluments" means the average calculated for the whole of the service necessary to qualify for the pensions awarded, excluding any excess service rendered before the commencement of the necessary period.

Periods of leave, &c.

2. If during the last five years of his service an officer has been absent on leave with allowances, or has been suspended and reinstated without loss of past service, his emoluments shall, for the purpose of ascertaining the average, be taken at what they would have been, had he not been absent on leave, or suspended. But if the leave is reckoned as service under Section 41, Rule 2, only the allowances actually received during it should be taken into account.

3. If during the last five years of his service an officer has been for a period without allowances, or in inferior service, that period shall be disregarded in the calculation of the average, and an equal period prior to the five years shall be included.

Case of two appointments.

4. If an officer at the time of retiring holds two appointments, in both of which the service qualifies, the pay and emoluments are taken at the aggregate of the two. But this does not apply to an officer temporarily holding, in

addition to his own appointment, an appointment usually held by a separate officer; in such case only one of the appointments can be taken into account.

Definition of emoluments.

Section 67. (*a*).—In the term "emoluments" are included the following:

(1).—Pay of substantive appointment;

(2).—Personal allowance;

(3).—Fees or commission, where they are the authorised emoluments of an appointment, and are *in addition* to a substantive pay; and commission in the case of a Thoogyee;

(4).—Field allowances (*i. e.*, horse and tent allowances) of Surveyors and Assistant Surveyors;

(5).—Charge allowance to Signallers in the Telegraph Department;

(6).—Bullock train allowance in the Post Office Department.

(*b*).—Other allowances are excluded, such as—

(1).—Local allowances;

(2).—Allowances given for duties performed in addition to the work of a regular appointment;

(3).—Messing allowances, working allowances, and provision allowances to officers in the Marine Department;

(4).—House-rent allowance, or estimated value of free quarters;

(5).—Tour allowances (to officers who accompany the Viceroy, or any Government);

(6).—Allowance given in compensation for dearness of provisions.

Acting allowances.

(*c*).—Acting allowances are not included unless the "acting" service is counted under Section 17, Rule 2.

Deputation allowances.

1. When an officer in permanent employment is deputed on temporary duty, he cannot count the additional allowances obtained by the deputation. (See Section 18.)

2. But this rule does not apply to an officer deputed to service in the Income Tax Department, or to an officer deputed on abolition of his appointment, and by direct orders of Government, on special duty. In these cases the full allowances are taken.

3. When an officer is *temporarily* transferred to service not under the control of Government, and does not pay any contribution under Chapter VII, he cannot count, in respect of the time passed in such service, higher pay than he had at the time of transfer to it.

Section-writers.

4. In the case of section-writers and press servants admitted under Section 20, "pay" and "emoluments" mean the average earnings of the last six months of service. (If the gratuity is on the superior scale, this means the average of the last six monthly bills exceeding Rs. 10. (See Section 39, Rule 1 (*o*).)

"Average emoluments" means the average of the last seventy-two monthly bills exceeding Rs. 10.

Not emoluments only to be taken

Section **68**.—When part of an officer's pay or emoluments is intended to provide for expenses incidental to his duty, that part should be excluded.

Examples.—When a sowar's pay is intended partly to meet the expense of keeping a horse, the pay should be taken only at foot rates.

When a consolidated pay specifically includes tentage, travelling allowance, or house allowance, these should be deducted in calculating the pension.

The commission which a Thoogyee in Burmah obtains goes in part to pay expenses of collection and remittance of money. Account should be taken of the remainder only.

So also when an officer's pay is given at two rates, a smaller rate during stationary duty, and a higher rate during periods passed on tour or travelling, the former rate alone should be the basis of the calculation.

1. Only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not allowed in the calculation.

CHAPTER XIV.

APPLICATION FOR PENSION OR GRATUITY.

Service books to be kept.

Section **69**.—Every non-gazetted servant of Government, with the exception of Police officers whose pay does not exceed Rs. 20, and officers in the Post Office Department whose pay does not

exceed Rs. 10, is required to keep a service book in which should be entered a statement of every step in his official life, each entry being attested by the immediate head of the office in which he is serving. If the officer to whom the book refers is himself a head of an office (*e. g.*, a Deputy Post Master or a Sub-Inspector of Police), the attestation should be made by his immediate superior.

1. The opening page should be divided for entries in the following form :

(1). Name of officer.
(2). Caste or race.
(3). Residence.
(4). Father's name and residence.
(5). Age.
(6). Exact height by measurement.
(7). Personal marks for identification.
(8). Date of entry.
(9). Signature of officer.
(10). Signature and designation of the head of the office.

The entries in this form should be renewed or re-attested at least every five years.

2. The remaining pages should be divided for entries in the following form :

(1). Name of appointment.
(2). Whether substantive or acting, and whether permanent or temporary.
(3). If acting, here state the substantive appointment.
(4). Pay.
(5). Acting allowance.
(6). Date of commencement of appointment.
(7). Signature of officer.
(8). Character of officer.
(9). Signature and designation of immediate head of the office.

Section 69.

(10). Date of termination of appointment.

(11). Reason of termination (such as promotion, transfer, dismissal, &c).

(12). Signature of immediate head of the office.

No entries need be made in column 8 except when there is anything either good or bad to be recorded.

3. Leave of every description (except casual), periods of suspension from employment, and other breaks of service, should be noted with full detail of their duration, by an entry written across the page, and attested by the head of the office.

4. A service book in the required form will be issued at cost price as soon as possible to each person at present in the service of Government, in which he should at once enter all past particulars of employment so far as relates to the establishment in which he is at present serving; and the head of the office will attest the entries after verification from his office records. To servants employed at any future time a book will be furnished by the officer appointing them.

5. The service books will be kept in the office in which each officer is serving, being transferred with him from office to office. They may be given up to the officers to whom they refer, if they resign or are discharged without fault, an entry being first made to that effect.

6. The officer to whom each book refers is himself charged with the duty of seeing that it is properly kept up, and all erasures in it must be properly attested. If the book is not carefully kept up, difficulties may arise as to verification of service, should the officer afterwards apply for pension or gratuity.

Application for pension, non-gazetted officers.

Section **70**.—An applicant for pension or gratuity, not being a gazetted officer, should submit to the authority, whose duty it would be to fill up his appointment if vacant, his service book, and a statement of the following particulars:

(*a*).—The age of the applicant.

(*b*).—List of appointments, both substantive and acting, held during the service in respect of which pension or gratuity is claimed, stating, when any appointment was only an acting one, what substantive appointment was held at the same time. The dates of the beginning and end of each appointment should be stated, and the pay and acting allowance drawn in each.

(*c*).—Dates of beginning and end of each period of leave.

(*d*).—An explanation of each break in continuity of service.

Verification of service.

Section **71**.—The authority receiving the application should then, in communication with the Account Departments, verify the services claimed.

1. In cases of inferior service (regarding which the records of the Account Offices are sometimes incomplete), he should first gather from official records and other sources all the information procurable. In cases of superior service, it will be sufficient to gather, in the first place, only such information as is *easily* procurable.

2. The information thus received should then be forwarded to the Account Officer concerned, *viz.*:

For service in ordinary Civil Establishments	The Accountant General of the province;
„ „ the Public Works Department ...	The Controller of Public Works Accounts;
„ „ the Post Office Department ...	The Compiler of Post Office Accounts;
„ „ the Telegraph Department ...	The Compiler of Telegraph Accounts;
„ „ the Military and Marine Departments ...	The Controller of Military Accounts;
„ „ the Forest Department ...	In Madras and Bombay, the Provincial Accountant General; in other places, the Provincial Conservator;

for information as to whether his office records bear out the applicant's statements. If there be any discrepancy, the Account Officer will detail the nature of that discrepancy: for instance, that the post which the applicant states that he filled during a certain period is shown by his registers to have been filled by another man.

3. If the service claimed cannot be wholly verified from the records of the Account Offices, reference shall be made to the head of the office in which the applicant states he served during the period in doubt.

4. If for any particular reason, verification from that source is not practicable, the officer receiving the application should take the affidavit of the applicant (on plain paper,—see General Stamp Act, 1869, Section 15, Clause 12), and should also collect such collateral evidence as may be procurable : for instance, certificates, such as those given by an officer to a subordinate on his leaving an office, and the testimony of contemporary servants.

5. The service will be admitted or rejected upon consideration of the whole evidence thus afforded.

Form of application

Section **72**.—After completing the verification in the manner prescribed in the last Section, the officer should draw up the application in Form A, Appendix A, and arranging with it all the documents relied upon for verification of the service claimed in such manner that they can be conveniently referred to, should forward it, together with the officer's service book, through his official superiors to the Local Government.

1. He should certify in the application whether the character, conduct, and past services of the applicant are such as to entitle him to the favourable consideration of the Government. If the application is for pension or gratuity on the superior scale, he must be careful to enter all periods of leave, suspension, &c., which are not reckoned as service.

2. If the application is for an invalid pension or gratuity, the requisite medical certificate should be attached to the application; but if omission has been made in this respect, the Local Government may accept a certificate bearing subsequent date.

Gazetted officers.

Section **73**.—A gazetted officer should submit his application through his official superiors to the Local Government. The application should be drawn up, in the form prescribed in the last Section, either by the officer himself or by the head of the department in which he is serving; and the rules under that Section apply, save that it is not necessary to have the service formally verified before forwarding the application.

Accountant General's report

Section **74**.—The last officer through whom the application for pension passes should send it to the Accountant General, instead of forwarding it direct to Government. The Accountant General will, (after, in the case of a gazetted officer, verifying

Sections 72—74.

the service in the manner prescribed in Section 71,) submit the application to the Local Government with a report as to the extent to which a claim for pension or gratuity is made out, and as to the rules applicable to the case. He will also certify the correctness of the calculations of service, and of pension or gratuity.

1. If the case is plainly incorrect or incomplete, the Accountant General should return it for correction or explanation.

2. In the Post Office Department, the Compiler being subordinate to the Director General, the application should go to him first, and to the Director General afterwards.

CHAPTER XV.

POWER OF LOCAL GOVERNMENTS AND OF THE GOVERNMENT OF INDIA.

Power to grant pensions.

Section **75**.—In a case falling clearly and strictly within the letter of the rules, the Local Government may grant the pension or gratuity admissible. If an interpretation of the rules is involved, or if any indulgence not provided for by the rules is proposed, the Local Government should submit the case, with its opinion and recommendation, to the Supreme Government.

1. The Governments of Bombay and Madras should, upon questions of pension and gratuity, communicate with the Secretary of State through the Supreme Government.

Quarterly Statements.

Section **76**.—Quarterly statements of pensions and gratuities granted should be submitted by each Local Government to the Supreme Government in Form C, Appendix A (one for pensions, the other for gratuities), within a month after the end of each quarter.

1. The statements of pensions and gratuities granted by the Governments of Bombay and Madras in the Military Department should be separate from the statements of those granted in the Civil Department.

Government of India.

Section **77**.—All claims to pension and gratuity are considered in the Financial Department of the Government of India. But the other Departments

exercise the powers of Local Governments over officers serving under their immediate orders. Quarterly statements need not be prepared by these Departments, but they should forward to the Financial Department copies of the formal application, of the Accountant General's report, and of the order sanctioning each grant.

Secretary of State.

Section **78**.—Pensions and gratuities in excess of the amounts admissible under rule, or involving any relaxation of rule, require the sanction of the Secretary of State.

Claims by officers not retired.

1. The Government of India ordinarily declines to pass any orders as to the pension to be granted to an officer until he actually retires. Memorials upon the subject, addressed prematurely to the Secretary of State, are uniformly returned.

CHAPTER XVI.

MANNER OF PAYMENT.

Sanction of pension.

Section **79**.—The order sanctioning the grant of a pension or gratuity to be paid in India should be forwarded, with a copy of the formal application, to the Accountant General of the province in which payment is to be made.

1. Pensions and gratuities (except pensions awarded under Section 62) must always be stated in rupees and not in sterling, even though they are to be paid in England.

Permanent-payable-order.

Section **80**.—The Accountant General will then, in case of a pension, draw up a permanent-payable-order in Form B, Appendix A, and will forward it to the officer who is to pay the pension.

1. This officer will retain one-half of the order, and will deliver the other half to the pensioner. The pensioner is not to have access to the half kept by the disbursing officer, in order that there may be as little facility as possible for fraudulent personation.

2. Each payment made is to be entered on the reverse, both of the pensioner's half and of the disbursing officer's half of the order, the entries being attested at the same time by the signature of the disbursing officer. When the reverse of a permanent-payable-order is filled up, both halves should be returned to the Accountant General for renewal.

3. If a pensioner loses his half of the permanent-payable-order, the disbursing officer's half may be returned to the Accountant General, in order that he may issue a new order. The requirements of rule 2 will prevent any payment being made on the half alleged to be lost.

Pension when payable

Section **81.**—Pensions are payable in India in monthly instalments due after the end of each calendar month.

1. Apart from special orders, pensions other than extra-ordinary pensions under CHAPTER XXII are payable from the date on which the pensioner ceased to be borne on the establishment, or from the date of the application, whichever is later.

2. The object of the latter alternative in the preceding rule is to prevent unnecessary delay in the submission of applications. The rule may be relaxed in this particular by the local Government when the delay is sufficiently explained.

Personal appearance at time of payment.

Section **82.**(*a*).—Unless specially exempted by the Local Government, pensioners must appear in person at the time of taking payment, and be identified by comparison with the permanent-payable-order.

(*b*).—Female pensioners who are not accustomed to appear in public, and male pensioners who are unable to appear in consequence of bodily illness or infirmity, or are exempted from personal appearance by the Local Government, may receive their pensions upon the production of a life-certificate signed by a responsible officer of Government, or by some other well-known and trustworthy person. In such cases the disbursing officer must take all possible precautions to prevent imposition, and must, before the first payment in each year, require proof not only of the existence of the pensioner, but also, in the case of a male, of his inability to attend in person to receive payment.

1. Disbursing officers are personally responsible for payments wrongly made, and should take every precaution against fraudulent personation. In cases of doubt they should refer to the Accountant General.

2. Respectable pensioners may be identified by the disbursing officer at his own house, instead of being made to appear at his public office.

3. If a pensioner or a person entitled to a gratuity dies, payment of any arrear actually due may be made to his heir. The payment may be made, under the orders of the Local Government, even if the pension or gratuity have not yet been sanctioned. If an officer dies before actually retiring or being discharged, his heirs have no claim to anything.

Certificate of non employment.

Section **83**.—Pensioners, drawing pension in India, are required to append to their bills a certificate as follows:—

"*I declare that I have not received any remuneration for serving Government in any capacity during the period for which the above amount of pension is due.*"

1. In the case of pensioners permitted under CHAPTER XX to draw pension after re-employment, this certificate must be modified according to the facts.

Annual return.

Section **84**. (*a*).—An annual return of pensioners in form E, Appendix A, should be sent to the Accountant General, from every office where pensions are disbursed. The Accountant General will submit them, after compilation, to the Government of India.

(*b*).—The return is in three parts, (1) for pensions not exceeding Rs. 10; (2) for pensions exceeding Rs. 10 but not exceeding Rs. 50; (3) for pensions exceeding Rs. 50.

(See Appendix C, extract 3.)

CHAPTER XVII.

PLACE OF PAYMENT.

Payable at any treasury.

Section **85**.—A pension is payable at any treasury in India, or at the Home Treasury in London. A gratuity is payable at any treasury in India.

1. Payments at the Home Treasury are made quarterly at the rate of exchange which is annually fixed for the adjustment of transactions between the British and Indian Exchequers.

Sections 83—85.

Transfer between England and India.

Section **86.**—Transfer from the Home Treasury to an Indian Treasury, or *vice versâ*, is permitted only once.

1. Applications for transfer of payment from India to the Home Treasury should be made to the Accountant General within whose jurisdiction the treasury of payment is. If the transfer is admissible, he will grant a last-pay-certificate, forwarding a duplicate to the Financial Department of the Supreme Government (or, in Bombay and Madras, to the Local Government) for transmission to England; if not admissible, he will take the orders of the Government of India in the Financial Department.

2. If the pension is not wholly chargeable against the General Revenues, care must be taken to state on the certificate how it is to be debited.

Transfer in India.

Section **87.**—A Local Government may, on application, and on sufficient cause shewn, permit transfer of payment from one treasury in India to another. This duty may be delegated to Commissioners of Divisions or to any higher executive authority.

1. Copy of the order directing the transfer should be forwarded to the provincial Accountant General, and the Collector of the district from which the payment is to be transferred should be instructed to return his half of the permanent-payable-order. The Accountant General will then issue a new one to the officer who will in future pay the pension, or, if the officer belongs to another province, will move the Accountant General of that province to do so.

CHAPTER XVIII.

LAPSE AND FORFEITURE OF PENSIONS.

Through falling in arrears.

Section **88.**—If a pension payable in India remains undrawn for more than six months, the permanent-payable-order must be returned to the Accountant General, and the pension ceases to be payable. If the pensioner afterwards appears, the disbursing officer may reclaim the permanent-payable-order and renew the payment, but the arrears cannot be paid without the order of the Local Government obtained through the Accountant General.

1. If the suspension of payment is attributable to error or neglect by any public officer, the Accountant General may direct payment of the arrears without taking the orders of the Government.

2. Arrears due to deceased pensioners are payable to the heirs within six months after the pensioner's death. They cannot be paid thereafter without the sanction of the Local Government.

Section **89**.—A pension which has not been drawn for two years lapses, and can be restored only by the Government of India.

On conviction of crime.

Section **90**.—Future good conduct is an implied condition in every grant of pension, and the Government reserves to itself the right of withholding a pension, if the pensioner be convicted of serious crime.

CHAPTER XIX.

COMMUTATION OF PENSIONS.

Rate of commutation.

Section **91**.—Life pensions not exceeding twenty rupees *a year* may, at any time, on certificate of good health by the medical officer (Covenanted or Uncovenanted) of the district, be commuted at the following rates:—

Age of Pensioner.	*Years' purchase of pension.*
Less than 10 years	13
10—20 ,, ...	12½
20—25 ,, ...	12
25—30 ,, ...	11½
30—35 ,, ...	11
35—40 ,, ...	10½
40—45 ,, ...	10
45—50 ,, ...	9½
50—55 ,, ...	9
55—60 ,, ...	8
60—65 ,, ...	7
65—70 ,, ...	6
More than 70 ,, ...	Inadmissible except by special order of the Government of India.

1. If a pensioner whose pension has been commuted dies before receiving the commutation value, it is payable to his heirs.

(1) 2. If an officer does not, within three months from the date of his re-employment, exercise the option conceded by this rule, of ceasing to draw pension and counting his previous service, he may not thereafter do so without the permission of the Government of India. G.O. No. 3917 dt 31 Oct 72.

CHAPTER XX.

RE-EMPLOYMENT OF PENSIONERS AND PERSONS WHO HAVE OBTAINED GRATUITIES.

After compensation gratuity.

Section **92.**—An officer who has obtained a compensation gratuity, if re-employed in qualifying service, has the option of retaining the gratuity, in which case his previous service will not count for future pension or gratuity, or of refunding it and counting his previous service.

1. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and not less than the whole gratuity divided by the number of months which have elapsed since it became admissible. The right to count previous service does not revive till the whole amount is refunded.

After compensation pension.

Section **93.**—An officer who has obtained compensation pension, if re-employed, may retain his pension in addition to his pay, provided that the sum total does not exceed the pay of the appointment on abolition of which the pension was given. If his re-employment is in qualifying service, he has the option of retaining his pension (subject to the proviso above stated), in which case his previous service will not count for future pension, or of ceasing to draw any part of his pension and counting his previous service. No refund of pension intermediately drawn is required.

1. In the case of a section-writer or press servant (see Section 20) re-employed, the pay of the appointment abolished is taken at the average earnings of the last six months of employment.

After invalid pension.

Section **94.**—There is no absolute bar to the re-employment of an officer who has regained health after obtaining invalid gratuity or pension. The rules in such a case as to refunding gratuity, drawing pension, and counting service, are the same as in the case of re-employment after compensation gratuity or pension.

After superannuation pension.

Section **95.**—A superannuation pensioner is, by the nature of the case, excluded from re-employment.

Section 96A.—An officer holding two or more separate appointments may not, save with the express sanction of the Government of India in the Financial Department, receive a pension or gratuity in respect to one or more of such appointments without retiring from the service altogether. There is no objection to his being relieved from one or more of such appointments at any time without being compelled to leave the service altogether; but in such case, any pension or gratuity which may be admissible to him in respect to the office or offices of which he is relieved, will be deferred until he finally retires.

After retiring pension.

Section **96.**—Officers who have obtained retiring pensions cannot be re-employed, except on strong public grounds, and with the express sanction of the Government of India in the Financial Department. When so re-employed, they are permitted to draw pension in addition to full pay. There is not so much objection to the employment of such pensioners in service paid from Local Funds.

No officer can be permitted to retire with the view of being re-employed, whether in the general service or at the charge of Local Funds, and drawing pension in addition to pay.

Navy pensioners.

1. The rules in this CHAPTER do not apply to officers pensioned on the abolition of the Indian Navy. If these are re-employed, their service will be on exactly the same terms as if they had never been employed before. But so long as they are employed, their navy pension will be held in abeyance, except so much of it as is necessary to raise their total emoluments to one-and-a-quarter times the amount of the pension. If they have commuted their pension for a single payment, the same deduction will be made from their allowances as if they had not.

Military pensioners.

2. Nor do these rules apply to military pensioners in civil employ. The claim of such persons to salary, pension, and gratuity in the Civil Department are dealt with without reference to their military pension. But the pensions of commissioned officers other than "good service" pensions, and of the heirs of native non-commissioned officers and soldiers, will, during their employment, merge in their salaries.

3. Civil, Military, and Naval pensioners also may, under the orders of the Local Government, be employed without loss of pension, on purely temporary duty, lasting for not more than a year.

4. If an officer of the Subordinate Medical Department, holding a civil appointment, continues in civil employ after he has earned his military pension, the pension remains in abeyance.

CHAPTER XXI.

SPECIAL RULES FOR THE POLICE.

Section **97.**—The following special rules apply to the members of Police Forces constituted under the following Acts:

XIII of 1856 of the Governor General of India in Council.

Sections 96—97.

XXIV of 1859 of the Governor General of India in Council.

V of 1861 „ „ „

VII of 1867 of the Governor of Bombay in Council.

1. The Trans-Indus Police Force, though not organised under Act V of 1861, and never possessing a Superannuation Fund, is on the same footing with respect to pension and gratuity as the regular Panjab Police.

MUNICIPAL AND RAILWAY POLICE.

Municipal Police.

Section **98**. (*a*).—If the police of a town is wholly supported by, and under the control of, a municipality, the Government has no concern with their pensionary allowances.

(*b*.)—But if the Government, being interested in the efficiency of a police force paid wholly or partly by a municipality or from the general revenues subsidised by a contribution from a municipality, undertakes the organisation and control of the force, as connected with, and auxiliary to, the civil constabulary, service in it is treated as service under Government, the contributions of the municipalities towards the cost of the pensions and gratuities of such forces being, for the present, undetermined.

1. The police forces in the Presidency Towns of Calcutta, Madras and Bombay, and in the Municipalities in Lower Bengal, come under clause (*b*).

Railway Police.

Section **99**.—In like manner the Railway Police on the East Indian Railway and in Bombay, though the Railway Companies contribute towards their cost, are a branch of the regular police, and their service in it is treated as service under Government.

1. In the Bengal Division of the East Indian Railway, the Railway Company pay six per cent., in addition to pay and salary, to discharge liability for pension. In the other Divisions another arrangement is in force.

Sections 98—99.

QUALIFYING SERVICE.

Qualifying service.

Section **100.**—Service in any of the Police Forces mentioned in Section 97, after the establishment of a Superannuation Fund in the force, qualifies.

[NOTE.—The Superannuation Funds were funds to which, with the exception of certain soldiers of the Sikh Darbar (see Section 16 (*e*)) and members of the Oudh Military Police, police officers whose pay did not exceed Rs. 20 were obliged to contribute. By these contributions they became entitled to pensions according to the rules of the several funds.

Officers whose pay exceeded Rs. 20 did not contribute, as they came under the operation of the ordinary pension rules.

By Act X of 1869, the Superannuation Funds established under Acts XXIV of 1859 and V of 1861 of the Governor General in Council, and VII of 1867 of the Governor of Bombay in Council, were abolished. The Superannuation Fund which had been established in the Madras Town Police, under Act XIII of 1856, having been, by Act VIII of 1867 of the Governor of Madras in Council, amalgamated with that established under Act XXIV of 1859, was abolished with the latter. The Funds established under Act XIII of 1856, in the Calcutta and Bombay Town Police, are still in existence.

In the Police Forces of which the Superannuation Funds were abolished, the pay of the men was reduced, either individually or on the average, to its previous nominal amount, less the subscriptions to the Funds, the Government undertaking the liabilities of the Funds.]

1. Members of office establishments permitted to subscribe to the Police Superannuation Fund by Financial Department Order No. 3398, dated 27th July 1863, may count the service during which they so subscribed.

Exceptional privileges.

Section **101.**—In the following cases, members of police forces have exceptional privileges in regard to pension:

Sikh Darbar soldiers.

(*a.*)—Soldiers of the Sikh Government to whom service was guaranteed (see Section 16 (*e*)), and who, on the breaking up of the Panjab Military Police in which they had enlisted, were transferred to the Civil Police, are, if their pay does not exceed Rs. 20, entitled to invalid pensions at

line rates for their service under the Sikh Darbar, and in the Military Police, and in the Civil Police.

1st Class Sergeants get pension as Havildars, 2nd Class Sergeants as Naiks, and Constables as Sepoys.

Oudh Military Police.

(*b.*)—Men who, after completing, on 3rd May 1861, four years' service in the Army, or in the Oudh Military Police, were transferred to the Oudh Civil Police, and were in employ in that force on 26th January 1864, are, if their pay does not exceed Rs. 20, entitled for their service in the Army, and the Military Police, and in the Civil Police, to pensions on the terms applicable to local and irregular troops of the rank corresponding to that which they may attain in the Police.

Mhairwarra Battalion

(*c.*)—Men of the Mhairwarra Battalion, who were present on parade on 1st July 1857, and were subsequently transferred to the Ajmír and Mhairwarra Police, are entitled to pensions at the rates for soldiers of the line.

Previous service when qualifying.

Section **102.**—In the following cases service rendered before enlistment in the new Police Constabulary qualifies:

Sikh Darbar Soldiers and Oudh Military Police.

(*a.*)—In the first two cases mentioned in Section 101, if the men subscribed to the Superannuation Fund in order to obtain the higher pensions admissible under its rules, or if, through serving on pay higher than Rs. 20, they have become entitled to the pension prescribed in Section 106, the previous service mentioned in Section 101 qualifies.

Men of Native Army.

(*b.*)—Men of the Army transferred to the Police on the reductions of the Native army which were made in 1861, count their army service.

(1.)—In February 1867 it was declared that this rule would be applicable to all future transfers to the Police on occasions of reduction of the Native army.

(2.)—In the Panjab Police, men counting service under this rule, if they were faithful during the mutiny when their regiments joined the rebels, are entitled to pensions at the rates for soldiers of the line, instead of the rates of the Superannuation Fund.

(3.)—Men of the Army who formed part of the garrison of Lakhnow during the siege in 1857, count three years' additional service.

(4.)—A man voluntarily taking discharge from the Army and entering the Police, cannot count past service.

Nagpúr Irregular Force.

(*c.*)—Men who were enlisted in the Central Provinces Police in 1861, after discharge with gratuity from the Nagpúr Irregular Force, or who were transferred to the Police from that force, or from the Mulkí Horse, count their service in these forces and also that in the forces of the late Raja of Nagpúr.

(*d.*)—Men of the Berar Police, recruited from the Hill Rangers, count their service in that corps.

Military Police.

(*e.*)—Service in the 1st Bengal Military Police Battalion and service in the Oudh Military Police qualifies.

Previous superior service.

(*f.*)—Service in superior grades in the old Police (*i.e.*, darogas and officers of higher rank) or in any other department qualifies.

(*g.*)—In the North-West Provinces and Oudh, men count half their service in inferior grades in the old Police.

Army service and Military Police service.

(*h.*)—Men transferred from the Army to the Military Police in the years 1858 to 1861, preserved whatever title they had, at the time of transfer, to pension for army service. At the same time, service in the Military Police did not give any further title to pension, except in the cases specially mentioned above. Accordingly, men who possessed this title to pension for army service, and were transferred from the Military Police to the Civil Police, count their previous army service.

Pensions for Army service how chargeable.

(*k.*)—Pensions granted to men who count army service under the above rules will, if their service in the army was sufficient to entitle them to pension if discharged without fault, be a charge on the Military Department; otherwise the whole will be a charge on the Civil Department.

Break in service.

Section **103**.—Policemen on pay not exceeding Rs. 20, who re-enlist within one year after discharge, may, at the discretion of the Inspector General, count their service before discharge.

AMOUNT OF PENSION OR GRATUITY.

Officers on pay not exceeding Rs. 20.

Section **104**.—The pension or gratuity admissible to an officer whose pay at date of discharge or resignation does not exceed Rs. 20, will be determined, as prescribed in the next Section, according to one of the following scales:

SCALE A.

According to the rules of the Superannuation Fund of the force.

1. As the Superannuation Funds did not always provide for compensation pensions and gratuities, the following orders were issued with reference to the reductions directed in 1869:

(1.)—Compensation pension and gratuity should be awarded at the same rate as the Superannuation Fund Rules provide for invalid pensions and gratuities.

(2.)—But if the gratuity thus awardable is less than the amount (without interest) of the officer's subscriptions to the fund, the difference should be made up.

SCALE B.

According to the rules prescribed in CHAPTERS XI, XII, and XIII, for the calculation of pensions and gratuities for superior service, except that (1) all service after the age of 18 years qualifies; (2) in addition to the leave which, under Chapter IX, is reckoned as service, one year's leave in fifteen years' service, and two in thirty years' service, is so reckoned.

Section **105**. (*a*.)—The pensions and gratuities of officers of the Town Police of Calcutta and Bombay are regulated by scale A.

(*b*.)—The pensions and gratuities of officers of other forces are regulated as follows:

(1.)—Those who were members of the forces before the 19th July 1871—by scale A or scale B according to their election (which, by Financial Department Order No. 2091, dated 19th July 1871, they were directed immediately to declare).

(2.)—Those who enlisted or re-enlisted on or after the 19th July 1871—by scale B.

* and that the benefit of this rule in Sec 103 is not withdrawn from a Police Officer by reason of his being promoted to pay exceeding Rs 20 a month.
G.O. No 4315 & 6. Dated 12.

Officers on pay exceeding Rs 20.

Section **106.**—The pension or gratuity admissible to an officer whose pay at date of discharge or resignation exceeds Rs. 20 is determined by the rules which apply to ordinary service, except that service rendered after the completion of 22 years of age, and declared by this CHAPTER to be qualifying, is treated as superior service.

1. When a police officer, by promotion to a pay exceeding Rs. 20, loses any benefit as to pension or gratuity which he would have enjoyed had his pay remained unchanged, his pension or gratuity may be regulated as if he had not received the promotion.

Previous inferior service.

Section **107.**—If part of an officer's continuous service qualifies for pension or gratuity on the inferior scale, but does not qualify under the rules in this CHAPTER, he may elect to receive, in lieu of the pension or gratuity admissible under the rules in this CHAPTER, such pension or gratuity as is admissible to him, under Sections 63 and 64, for the whole of his service both inferior and superior.

Example.—Officers who were transferred to the new Civil Police from inferior grades in the old Police or from the Military Police, and who are not entitled under Section 101 or 102 to count previous service, may obtain pension under this Section.

1. Officers who under Section 105 (*b* 1) have elected to abide by Scale B, will, if they take gratuity under this Section, obtain in lieu of the scale prescribed in Section 63 (*a*.) one month's pay for every complete two years of service, but not more than twelve months' pay in all.

To be calculated on net pay.

Section **108.**—Except in the case of the Town Police of Calcutta and Bombay (Section 105(*a*)), pensions and gratuities are to be calculated upon the net pay, *i. e.*, the pay actually received by the officer, and not upon the gross pay, *i. e.*, the pay from which were deducted the subscriptions to the Superannuation Funds (see note under Section 100) ; but this rule shall not be applied to any officer who, on 19th July 1871, was entitled, by the rules of the Superannuation Fund, to have his pension or gratuity calculated on his gross pay, until he be either promoted to higher pay, or degraded, for misconduct, to lower pay.

1. Good service pay is not reckoned in calculating pension or gratuity except in the case of those who, before the 19th July 1871, were members of the Police Forces of Bengal (excluding the East India Railway Police) or the Panjab.

VERIFICATION OF SERVICE.

Service rolls.

Section **109.** (*a.*)—There shall be kept up for each district, by the District Superintendent of Police, a service roll in English, in which shall be recorded the date of the enrolment of each man in the constabulary, his caste, tribe, village, age, height, and marks of identification at the time of enrolment, his rank, promotion, reduction or other punishment, his absences on leave or without leave, the breaks in his service, and every other incident in his service which may involve forfeiture of portions of his service, or affect the amount of his pension or gratuity.

(*b.*)—The roll shall be checked by the vernacular roll and order book, and the punishment register, and every entry in it shall be signed by the District Superintendent of Police.

(*c.*)—In addition to the above roll the Inspector General of Police shall keep a record of all service on pay exceeding Rs. 20 (except that of gazetted officers), and shall verify the record annually in communication with the Local Accountant General.

(*d.*)—From this roll the necessary statements of service of all applicants for pension shall be prepared, additional proofs being collected, as prescribed in Section 71 in respect of any service rendered before enrolment in the constabulary which the Police officer may be entitled to count.

1. District Superintendents of Police should be on their guard against endeavours to retire on invalid pension by officers who are capable of serving longer. Medical officers should be very searching in their examination of the physical unfitness of the applicants for further duty; and, whenever the number of applicants for pension or gratuity is large, the examination should, if possible, be conducted by two medical officers.

POWER OF SANCTION.

Sanction.

Section **110**.—Claims by police officers on pay not exceeding Rs. 20, to pension or gratuity only for the period of continuous and verified service in the force in which at the time of application they are serving, may, if admissible under the strict letter of the rules, be allowed by the Inspector General of Police, and reported to the Accountant General with the necessary particulars for identification.

All other claims will be treated under the ordinary rules.

1. Claims to extraordinary pension or gratuity (see Chapter XXII), even though they may be provided for by the rules of the Superannuation Fund, are subject to the rule in Section 118.

2. The quarterly statement submitted by the Local Government to the Supreme Government, should contain particulars of all pensions and gratuities granted by the Inspector General as well as by the Local Government.

MANNER OF PAYMENT.

Payment

Section **111**.—Payment of a pension or gratuity shall be made by the treasury officer of the district where the payee resides, on permanent-payable-orders (in the case of pensions), and on the identification of the payee by the District Superintendent of Police; and special committees shall be assembled every five years for identifying the pensioners.

CHAPTER XXII.

EXTRAORDINARY PENSIONS.

A.—In cases of injury or death.

Section **112**.—The following are the Rules for the grant of gratuities and pensions,

(*a*) to men so injured in the execution of their duty as to be incapacitated for earning a livelihood;

(*b*) to the families of men killed in the execution of their duty.

Sections 110—112.

They apply to all persons employed to do the work of Government, whether permanently, temporarily, or even casually, and whether remunerated by a fixed salary, or (as miners in the Panjab Salt Mines) for piece-work. They apply also to village watchmen.

Not cases of mere accident.

Section **113**.—Pension or gratuity is granted only when injury or death is met in the performance of a duty which is attended with extraordinary bodily risk. The Government recognises no claims on account of loss of life or bodily injury resulting from an ordinary accident.

The following would be regarded as *primâ facie* cases of ordinary accident:—

A policeman falling from his horse.

A policeman on escort duty killed by sun-stroke.

A lascar killed by the snapping of a hawser.

A laborer falling under a burden.

1. The Government recognises no claim on the part of widows on account of the services of their husbands. It is the duty of Government officers themselves to provide for their families, the more so that the Government assists certain funds established for the purpose of enabling them to do so.

Claims recognised in case of death.

Section **114**.—A pension or gratuity is granted to the family of a man killed in the execution of his duty, only if he had wife, sons or daughters (legitimate), father or mother, dependent upon him for support.

1. To native claimants preference is given in the following order: son, widow, daughter, father, mother.

Amount of pension.

Section **115**.—The amount of gratuity or pension is to be regulated by—

(*a*) the character and service of the man injured or killed;

(*b*) the nature of the risk undergone, and the conduct of the man in accepting it;

(*c*) the nature and extent of the injury received;

(*d*) the pecuniary circumstances and prospects of the claimant.

1. The Government does not bind itself to grant gratuity or pension in every case, nor, if it grants pension, to grant it for life.

Preliminary enquiry

Section **116**.—Whenever a claim for gratuity or pension is made, the head of the office in which the man killed or injured was employed, will hold a formal enquiry, taking evidence on the following matters :

(*a*) the circumstances under which the injury was received, or the life lost;

(*b*) the relationship (in the case of death) and the pecuniary circumstances of the claimants.

Pension roll

Section **117**.—The head of the office will then submit the case with a report, through his official superiors, to the Government, sending (in the case of a man injured) the usual form of application (Form A, Appendix A) and (in the case of a man killed) a statement in Form D, Appendix A.

Power of Local Governments

Section **118**.—The Local Government may grant gratuity not exceeding six months' pay (which is ordinarily the maximum given), reporting the grant as in the case of an ordinary gratuity. If it deems a grant of six months' pay insufficient, it should report the case with a recommendation to the Government of India.

Power of Supreme Government.

Section **119**. (*a.*)—The Government of India grants pensions to the widows and children of policemen, or of village watchmen, killed in the execution of duty, not exceeding two-thirds of the deceased's pay. The grants are made on the principle of giving rather less than would be given in the case of a soldier of similar class killed in action.

(*b.*)—Otherwise pensions or gratuities in excess of the amount admissible under the last Section require the sanction of the Secretary of State.

B.—Military Service.

Section **120**.—Officers and men, enrolled as volunteers, and having a military organisation, enjoy the same privileges in regard to compensation for

wounds, as men of corresponding grades in the regular service, unless they are entitled, under the following rules, or under special conditions of service, to higher rates:

(*a.*)—Officers of the Covenanted Civil Service wounded in action while serving (under circumstances justifying their presence) with military forces, will receive such compensation as may be awarded by the Government of India, subject to the confirmation of the Secretary of State.

(*b.*)—Other civil officers of the Government will receive compensation in proportion to their salaries according to the following scale:

If on salaries of	Rs. 500	a month, or upwards, as	Captains.
„	300	„	Lieutenants.
„	200	„	Ensigns.
„	100	„	Subadars.
„	50	„	Jamadars.
„	16	„	Sepoys.

(*c.*)—Persons not in Civil or Military Service, wounded in action while serving (as aforesaid) with military forces, will receive compensation according to their station in life, as compared with that of Military Officers, each case being considered separately on its own merits by the Government of India, and compensation awarded subject to the confirmation of the Secretary of State.

C.—Mutiny Pensions.

Section **121**. (*a.*)—Widows of Uncovenanted Servants who have received pensions on account of their husbands having been killed in the mutiny retain half their pensions after remarriage. Their half pension is not increased on second widowhood.

(*b.*)—Daughters of Uncovenanted Servants in the Panjab, who have mutiny pensions "payable till marriage," receive, on marriage, seven years' pension as a dowry.

Appendix A Form A

APPENDIX A. FORM A.—(Four pages.)

FIRST PAGE.

APPLICATION FOR PENSION OR GRATUITY.

1. Name of applicant.
2. Father's name
3. Sect or caste.
4. Residence
5. Present or last employment
6. Date of beginning of service — 1st May 1851
7. Date of end of service ... — 30th June 1871

	Y	M	D
8. Length of service including breaks . .	20	2	0
of which superior . .	17	2	10
inferior . .	1	5	0
non-qualifying and breaks .	1	6	20

9. Class of pension or gratuity applied for, and cause of application *
10. [Average] emoluments or pay
11. Proposed pension.
12. Proposed gratuity
13. Date from which to commence
14. Place of payment
15. Age of applicant on this date
16. Height.
17. Marks.
18. Date

* If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated

SIGNATURE OF HEAD OF OFFICE.

SECOND PAGE.

HISTORY OF THE SERVICE (SHOWING BREAKS) OF

Establishment	Appointment	Pay	Acting allowance	Date of beginning	Date of end	Period reckoned as service			Period not reckoned as service			Remarks	How verified	Remarks by Accountant General
		Rs	Rs			Y	M	D	Y	M	D			
Collector of Hooghly	Muharrir	10		1st May 1851	16th Aug 1851	..			0	3	16	Inferior grade	By Accountant General, Bengal — See enclosure A	
Ditto .	Ditto	15		16th Aug 1851	30th Sept 1852				1	1	15	Under 22 years of age.		
Ditto	Ditto	15		1st Oct 1852	7th May 1856	3	7	7	0	6	0	.		
On sick leave				8th May 1856	7th Nov 1856									
Collector of Hooghly	Muharrir	15		8th Nov 1856	15th Jan 1859	2	2	8	0	0	2	Reckoned to join new appointment		
Out of employ				16th Jan. 1859	17th Jan 1859									
Post Office	Deputy Postmaster, Burdwan	25		18th Jan 1859	11th July 1863	6	5	24	0	1	20	Suspension adjudged as a Penalty	Compiler of Post Office Accounts — See enclosure B.	
Under suspension				12th July 1865	1st Sept 1865									
Post Office	Deputy Postmaster	25		2nd Sept 1865	3rd March 1868	2	6	2				.		
Ditto	Ditto Office Post Master	25		4th March 1868	3rd Dec 1869	1	9	0				.		
Out of employ, by abolition of appointment		25	10	4th Dec 1869	1st Nov 1870				0	10	28	.....		
Judge of Nuddea	Clerk	40	.	2nd Nov 1870	30th June 1871	0	7	29					Accountant General, Bengal — See enclosure C.	
Total period of superior service					... ..	17	2	10						

THIRD PAGE.

Remarks by Head of Office.

1. As to character and past conduct of applicant.
2. Explanation of any suspension or degradation.
3. Regarding any gratuity or pension already received by applicant. See Chapter XX.
4. Explanation under Section 47, Rule 1, so far as the Head of the office can give it.
5. Any other remarks.

Signature.

Certificate and Report of Accountant General.

Certified that (subject to the remarks below recorded) qualifying service in [*inferior or superior*] grades has been duly proved for years months days; and that a [*pension or gratuity*] not exceeding Rs. , is admissible under Section of the Civil Pension Code. The calculations have been duly verified.

Accountant General.

FOURTH PAGE—(Docket).

Application for Pension or Gratuity.—

Date of application.

Name of applicant.

Last appointment.

Class of pension or gratuity.

Amount of pension sanctioned.

Amount of gratuity sanctioned.

Date of commencement.

Date of sanction.

FORM B.

(Obverse.)

COLLECTOR'S BILL.

Place for signature of pensioner on the first payment made hereon_____

Class of Pension and date of order sanctioning it.	Personal identification.	Height.		Age when pensioned.	Sect or Caste.	Residence.	Amount of monthly pension.
		Feet.	Inches.				

ACCOUNTANT GENERAL'S OFFICE;

No. _____ *Calcutta*_____187

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to_____the sum of Rupees _____ being the amount of_____ Pension, as_____

upon the production of the duplicate hereof, taking from the claimant a separate receipt for the amount according to usual form.

Accountant General.

To the Collector of_____

NOTE.—*Payment of this Bill is to be made only to the pensioner in person*, unless specially exempted, or unless disabled from appearing by illness or bodily infirmity, in which case payment may be made upon a life-certificate signed by a responsible officer of Government, or other well-known and trustworthy person.

PENSIONER'S BILL.

NAME OF PENSIONER_____

Class of Pension and date of order sanctioning it.	Age when pensioned.	Sect or Caste.	Residence.	Amount of monthly pension.

ACCOUNTANT GENERAL'S OFFICE;

No._____ *Calcutta*_____187

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to_____the sum of Rupees _____ being the amount of _____ Pension, as _____

upon the production of this Bill and a separate receipt according to usual form.

Accountant General.

To the Collector of_____

NOTE.—Payment of this Bill is to be made only to the pensioner in person, unless specially exempted, or unless disabled from appearing by illness or bodily infirmity, in which case payment may be made upon the production of this order, and upon a life-certificate signed by a responsible officer of Government or other well-known and trustworthy person.

(Reverse.)

Reverse of Pensioner's Bill.

Every separate payment is to be recorded below by the disbursing Officer.

When paid.	For the Month of	Amount.	When paid.	For the Month of	Amount.

Reverse of Collector's Bill.

This document is to be retained by the disbursing Officer so long as the authority remains in force, and every separate payment is to be recorded below.

When paid.	For the Month of	Amount.	When paid.	For the Month of	Amount.

Appendix A. Forms C & D.

FORM C.

Statement of $\frac{\text{Pensions}}{\text{Gratuities}}$ sanctioned by the_____ in the_____ Department during the quarter ending_____18

Column 1.—Serial number.
„ 2.—Name of recipient.
„ 3.—Designation of last employment.
„ 4.—Name of office in which last employed.
„ 5.—Character.
„ 6.—Period counted as service.
„ 7.—$\frac{\text{Average emoluments}}{\text{Pay or emoluments at time of discharge}}$
„ 8.—Class of $\frac{\text{Pension}}{\text{Gratuity}}$ granted.
„ 9.—Amount of $\frac{\text{Monthly Pension}}{\text{Gratuity}}$ granted.
„ 10.—Remarks (here note any cases where less than the full pension or gratuity admissible. has been granted; also cases where the pension or gratuity is chargeable to other than general revenues.)

FORM D.

Application for an extraordinary pension or gratuity for the family of_____late a_____ killed in the execution of duty.—Submitted by the

(A). Description of claimant.
1.—Name and residence.
2.—Age.
3.—Height.
4.—Religion, caste, or tribe.
5.—Marks for identification.
6.—Present occupation, and pecuniary circumstances.
7.—Degree of relationship to deceased.

(B). Description of deceased.
8.—Name.
9.—Occupation and service.
10.—Length of service.
11.—Nature of injury causing death.

(C).
12.—Amount of pension or gratuity proposed.
13.—Remarks.

Appendix A. Form E.

FORM

RETURN OF PENSIONS PAID AT_____

Pensions exceeding Rs._____and not

		Present Age (last		
	Not more than 50 years.	51 to 60 inclusive.	61 to 65 inclusive.	66 to 70 inclusive.
1.—Number of pensioners in the list at end of last year. Heading 9 of year's return ...				
2.—Deduct the number transferred into the next period of age ...				
3.—Add the number transferred from the last period of age ...				
4.—Number from last year thus corrected for age...				
5 New names brought on the list. By new pensions.				
6 New names brought on the list. By renewal after being struck off				
7 New names brought on the list. By transfer from other offices ..				
8.—Total of headings 4 to 7, being total number to be accounted for ..				
9.—Number on pension list at end of year ...				
10 Removed during the year. By transfer to other offices...				
11 Removed during the year. By death or non-appearance for six months ...				
12.—Total of headings 9, 10, 11, being total number accounted for ...				

Notes.—Headings 2 and 3 show the transfer rendered necessary by pensioners passing from one of the ing 2 in the next preceding column.

Heading 6.—Enter here any persons who, after being entered under heading 11 of any previous 88), are again admitted into the list.

Appendix A. Form E.

E.

DURING THE YEAR 187 -7

*exceeding Rs.*_____

BIRTH-DAY) OF PENSIONERS.					
71 to 75 inclusive.	76 to 80 inclusive.	81 to 85 inclusive.	86 and upwards.	Total.	REMARKS.

periods of age into the next. Hence each entry under heading 8 will be the same as the entry under head-

statement as having been struck off the list, on account of non-appearance for six months (Code, Section

APPENDIX B.

PENSION RULES OF 4TH JANUARY 1831.

RULES relative to the grant of superannuation pensions to subordinate officers in the Civil Department.

Subsidiary and supplementary rules of subsequent date are printed in small type.

Section **1**.—Superannuation pensions will be granted only to the superior classes of public servants indicated in the annexed list.

[NOTE.—This list is not published, as the Code sufficiently declares to whom these rules may now be applied.]

Inferior servants, sowars, armed or organised peons, including jamadars and other ranks, lascars, boatmen, artificers, labourers, and menials are to have no claim to such provision.

Section **2**.—With the exception of Native Judges and Law Officers, the applicant must have been employed in the public service for a period of at least twenty years.

Section **3**.—The public servant, whatever may have been the period of his service, must be incapacitated for further employment, by old age, protracted ill-health, loss of sight, or other bodily or mental infirmity.

Section **4**.—The character, conduct, and past services of the public servant must be favourably certified by the officer or officers under whom he may have been employed, and must appear to be such as to entitle him to the favorable consideration of Government.

Section **5**.—Whenever it may be judged expedient to grant a pension to a public officer, whose case may come within the foregoing provisions, the amount of the pension shall be limited as follows:

Clause 1*st*.—If the period, during which the individual may have been actually employed in the public service, shall be more than twenty years, but less than thirty years, the

amount of the pension shall not exceed one-third of the monthly salary or authorised official allowances of such individual, calculated on an average of five years previously to the date of the application for such pension.

Clause 2nd.—If the period of actual service shall have been thirty years or upwards, the amount of the pension shall not exceed one-half of the salary, or authorised allowances of the individual calculated in manner above stated.

1. Pension may be awarded on the above scale, to persons thrown out of employ by reduction of establishment, without their being required to produce medical certificate.

2. In the despatch from Court of Directors, No. 18, dated 5th May 1854, the following further rule is prescribed:

"We authorise you to grant to any Uncovenanted Servant belonging to a class recognised by the present rules, who, though not possessed of medical certificate of incapacity, may be permitted to retire from the service and who can produce unquestionable testimonials of a faithful, efficient discharge of his duties during a period of 35 years, a pension equal to half the average salary which he may have received during the last five years of his service. These pensions are to be regarded as the rewards of good service, they will not in any case be claimable as of right; and every pension, which you may see sufficient reason to grant, must be reported to us with a statement of the grounds of your proceeding."

RULES REGARDING SERVICE.

3. The period of service must be continuous, but a break between two periods of employment, if it does not exceed 12 months, and was not caused by dismissal from office for misconduct, will not prejudice the officer in whose service it occurs.

4. To the following extent leave counts as actual service:

(*a.*) All leave taken before the Uncovenanted Service Leave Rules of 1856.

(*b.*) The following leave taken under the rules of 1856:

Two out of three years obtainable on medical certificate.
Leave subsidiary to leave on medical certificate.
Privilege leave.
Leave on private affairs on half pay, (sec. VII).

(*c.*) Leave during recess on half pay granted to Native Surveyors in the Revenue Survey Department, Bengal, North-Western Provinces, and the Panjab.

5. Service before the attainment of 16 years of age does not qualify for pension.

RULES FOR CALCULATION OF PENSION.

6. "Authorised official allowances" include the following:

(*a.*) House-rent allowance, or value of official residence.

(*b.*) Personal allowance given as compensation for reduction of salary.

The following are not included:

(*a.*) Personal allowances otherwise than as above.

(*b.*) Horse and tent allowances.

Clause 3rd.—For Law Officers and Native Judges, the period of 15 years shall be substituted for that specified in clause 1st, and 22 years for the term mentioned in clause 2nd.

1. This rule applies also to Principals and Head Masters of Colleges and Schools, and also to Inspectors and Professors.

2. The concession granted by the rule applies only to cases where the whole of the prescribed period of service has been rendered in the privileged capacities.

3. Law officers are a class which now no longer exists. The designation "Native Judges" applies to officers in such positions as Principal Sudder Ameen, Sudder Ameen, and Moonsiff. Goung Gyoups in Burmah are also "Native Judges." Magistrates of Police and Judges of Small Cause Courts are not "Native Judges;" but a "Native Judge" transferred to be a Judge of a Small Cause Court will retain his privileges.

Clause 4th.—The rates of pensions shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service.

1. The limit of pension in ordinary cases is Rs. 5,000 per annum; but this is subject to the rules under Section 59 of the Code.

APPENDIX C.

EXTRACTS.

1.

From the letter of the Government of India in the Financial Department, to the Government of Bengal, No. 3177, *dated* 31*st August* 1871.

4. The references made in your letter to a proposed formation of a pension fund by deduction from salaries probably arise from the orders of this Department No. 940, dated 16th June 1870, which contained, as models, certain rules proposed by the Government of Bombay for the constitution of an educational Pension Fund there.

5. The Government of India, on a reconsideration of the whole subject, is disposed to withdraw the approval which it then expressed of the scheme set forth in these rules. There is an almost entire absence of data on which to estimate the amount of deduction which would be necessary to render such a fund solvent, and such calculation as can be made renders it extremely doubtful whether five per cent. is nearly enough to cover the contingent charge; and it is of course out of the question to guarantee from imperial revenues the solvency of any such fund. A pension fund formed by deduction from salary is, perhaps, objectionable also on another ground, namely, that it to a certain extent unnecessarily fetters the hands of the employer.

6. In the case, therefore, of local funds which will beyond a doubt be able, without embarrassment, to meet the pensionary claims of employés, it seems to the Government of India that it would be best, should the local Government think proper to grant to the employés a right to pension, to leave the pensionary claims to be met when they arise. And in local funds regarding whose position there is not the same absence of doubt, it would appear to be the wisest course to abstain from making any absolute promise of pension. The ability of such funds to provide any pensions which, on special grounds, it may be deemed desirable to grant, can be more easily determined when the claim is presented for consideration, than it can be at a time antecedent by many years to the actual accrual of the charge.

7. It might even be a matter for the consideration of the local Government whether, considering the peculiar constitution of local funds, it would not be well, especially in the case of such as are of uncertain solvency or stability, to credit to a separate account the capital value of any pension granted. The necessity of providing at once the entire value of a pension, instead of throwing the charge forward upon future years, would perhaps afford a useful check against indiscriminate recommendations by those who have the management of the funds.

Appendix C.--Extracts.

2.

From Resolution of the Government of India in the Financial Department, No. 4359, *dated* 14*th October* 1871.

The position of the Government of India, and the difficulty experienced by Native States and public bodies in obtaining competent officers without its assistance, frequently render it necessary for the Government, for political and for public reasons, to transfer its officers to service paid for from sources other than its own revenues. Such transfers would, as a general rule, be impossible if the condition were insisted on, that the officer transferred should give up his privileges as an officer in the service of the Government of India; and in the papers above read, the question is discussed what financial arrangements are proper to be made in the case of officers of Government lent to, or transferred to service paid by, Native States, Municipalities, and other bodies financially independent of the Government of India, such as Courts of Wards, Port Trusts, &c., and permitted at the same time to retain their privileges as servants of the Government of India.

2. The remuneration of officers of Government may be thus classified—

Immediate—Their pay and allowances while on duty;

Contingent—Their absentee allowances;

Deferred—Their pensionary allowances;

and such officers when lent to Native States, &c., though they obtain their "immediate" remuneration from the State or fund at the charge of which they are employed, look, for the most part, to the Government of India for their "contingent" and "deferred" remuneration.

3. It may sometimes be expedient, for special reasons, that the Government of India should bear such charges; but as a rule it is not so; and it is necessary to prescribe the conditions which should be imposed, so that such charges may be avoided, unless the Government, for special reasons, accepts them.

4. The Government of India have accordingly resolved to require, on account of every officer lent or transferred to a Native State, or a Municipality or other financially independent body, who is permitted to retain his position in relation to the service of Government, and his claims to absentee and pensionary allowances under the rules of the service to which he belongs, and with regard to whom the exemption contemplated in paragraph 3 is not declared, a contribution proportional to the salary which he receives and regulated on the following principles:

5. In the first place it is to the officers themselves, and not to their employers, that the Government will look for the contribution required: any other course would be productive of difficulty and inconvenience.

6. In the second place, a calculation founded upon such data as are available shows that the cost to Government of the charges above classed

as contingent and deferred, excluding, however, privilege leave allowances, is about one quarter of the amount actually disbursed in the form of "immediate" remuneration.

* * * *

13. In the case of Covenanted Civil Servants the contribution of one-fifth required by this resolution, includes the four per cent. deduction to the Annuity Funds which will not be separately levied. The amount of the contribution to be credited to the Annuity Fund is $3\frac{1}{3}$ per cent. of the full nominal pay and acting allowance, being one-twenty-fourth part of the amount retained by the officer after deduction.* This proportion, being one-sixth of the entire contribution, will be credited to the Annuity Funds, so long as they are maintained.

* *i. e.*, the same as 4 per cent. retained out of 100.

3.

From Resolution of the Government of India in the Financial Department, No. 1586, *dated* 22*nd March* 1871.

The Governor General in Council has had under consideration the question of how to guard against fraudulent claims to pensionary allowances being put forward by strangers after the actual incumbents are dead.

2. The chief protection against such claims must be the careful testing by disbursing officers of each claim at the time it is presented.

3. But it seems advisable also that statistical information regarding pensions should be kept up, and for this purpose His Excellency in Council is pleased to direct that, from every office where pensions are disbursed, returns in the annexed form shall annually be made to the Account office to which it is subordinate:

(1).—For pensions not exceeding Rs. 10.

(2).—For pensions exceeding Rs. 10, and not exceeding Rs. 50.

(3).—For pensions exceeding Rs. 50.

4. The Account officers should scrutinise the information thus received, in order that enquiry may be at once made where any remarkable longevity appears, or where any other anomalous features present themselves.

5. His Excellency in Council is well aware that there is great difficulty in exercising a check by this means on the action of local officers. The instances in any single disbursing office are necessarily too few to warrant the assumption that their departure from mathematical regularity requires any special explanation; and on the other hand, in the compilation of the figures of several offices, the effects caused by the perpetration of frauds in any one would probably disappear in the mass.

6. But while His Excellency in Council, in view of this difficulty in supervising this particular part of their work, confidently expects at the hands of local officers extreme caution in dealing with claims to pensions, he does not doubt that the information contained in the forms now prescribed will be found in both central and local offices to be of great value.

THE CIVIL PENSION CODE.

SUPPLEMENT A.

COVENANTED CIVIL SERVANTS.

[NOTE.—The rules in this supplement are already in force for the Bengal Civil Service. Their extension to the Madras and Bombay Civil Services is under discussion; but at present the members of these two services are not entitled to any annuity from the State. They obtain annuities under the rules of their respective annuity funds.]

Section **1.**—Annuities and gratuities are granted to Covenanted Civil Servants of the Crown in India under the following rules.

"Active service."

Section **2.**—"Active service" includes the following periods, besides time spent on duty:

(*a.*) The interval between the date of an officer's first arrival in India and the date on which he joins his first appointment.

1. The date of an officer's first arrival in India is held to have been as follows:

Before the 31st January 1868,—the date of his actual arrival in India.

From the 31st January 1868 to the 4th May 1869, inclusive,—the date on which he reported his arrival at the capital town of the Presidency to which he was attached; or if he was attached to the North-West Provinces, the Panjab, or Oudh, and had permission to come to India *vid* Bombay, the date on which he reported his arrival at Bombay.

On and after the 5th May 1869,—the date on which he reported his arrival either at the seat of the Government to which he was attached, or at any other station to which he may have been ordered, or permitted, to proceed direct.

Supplement A.—Covenanted Civil Servants.

2. If an officer does not join his first appointment within the joining time allowed to him, the interval between the end of joining time and the date on which he actually joins, is not reckoned as "active service."

(*b.*) Time passed out of employ on subsistence allowance in India, otherwise than on furlough.

1. If a Covenanted Civil Servant on his first arrival in India is unable, through bad health, to proceed to the seat of the Government to which he is attached or to any other station to which he may have been ordered, the Local Government in whose jurisdiction he is, may, on medical certificate, grant to him a subsistence allowance of Rs. 250 a month, for not more than two months. Time thus spent is not reckoned as active service.

(*c.*) Subsidiary leave of absence.

1. "Subsidiary leave" includes the corresponding "special leave" under the rules in force before the 1st July 1868.

(*d.*) Privilege leave of absence.

1. "Privilege leave" includes the corresponding "short leave on private affairs" and "leave on private affairs" under the leave rules in force before the 1st July 1868.

(*e.*) Leave of absence within the limits of the East India Company's Charter, which counted as service and residence under the rules in force before the 18th June 1855.

(*f.*) Leave of absence on urgent private affairs granted before the 3rd January 1863.

1. Examination leave of absence is also reckoned as active service; but not more than twelve months can be so reckoned to any officer.

2. One year of leave of absence on medical certificate was reckoned as "residence" under the leave rules in force before the 1st July 1868. This is not reckoned as "active service," as a reduction of one year has been made in the period required to qualify for annuity.

Deduction from salary.

Section **3.**—Four per centum shall be deducted, at the time of payment, from the salary and other

FINANCIAL DEPARTMENT.

PENSIONS AND GRATUITIES.

No. 2521.

Fort William, the 5th April 1872.

The Governor General in Council is pleased to direct that the following be substituted for the memo. in Civil Pension Code, Supplment A., Section 3 :—

BENGAL CIVIL SERVICE.—From every allowance except (1) travelling allowance at mileage rates, (2) minimum furlough allowance, (3) subsistence allowance while on furlough, and (4) establishment allowance

MADRAS CIVIL SERVICE.—From (1) pay, (2) acting allowance, (3) deputation allowance, (4) subsistence allowance when not on leave, (5) personal allowance, (6) local allowance, (7) fees, or a proportion of fees received, (8) allowance on privilege leave, and (9) allowance on subsidiary leave.

BOMBAY CIVIL SERVICE.—From (1) pay, (2) acting allowance, (3) deputation allowance, (4) subsistence allowance when not on leave, (5) personal allowance, (6) local allowance, (7) fees, or a proportion of fees received, (8) sumptuary allowance, (9) allowance on privilege leave, and (10) allowance on subsidiary leave.

public emoluments, as specified below, of every officer:

Bengal Civil Service ...	From every allowance except mileage allowance (at 8 annas or 3 annas a mile), and special rewards.
Madras Civil Service ...	From pay, acting allowance, subsistence allowance and leave allowance only.
Bombay Civil Service ...	From every allowance except house-rent, travelling allowance, tentage, and special rewards.

1. The deduction required by this Section is included in the deduction made under Chapter VII of the Code, and is not to be separately made.

Retiring annuity.

Section 4.—An officer who has been twenty-five years in the service counting from the date of his covenant, or from the date of the despatch of the Secretary of State announcing his appointment (whichever may have been earlier),

and who has rendered twenty-one years' active service,

is entitled, on his resignation of the service being accepted, to an annuity of £1,000.

1. The following rules regulate the procedure with respect to applications for annuity:

(*a*). Applications for permission to resign the service, and to obtain an annuity, should, if the officer be in India, be submitted to the Government of India, Madras, or Bombay (as the case may be). If the officer be in Europe, they may be submitted to Her Majesty's Secretary of State for India.

(*b*). In the Government of India, they are considered first in the Home Department, which, if the application be for an annuity under Section 4, should obtain the report of the Comptroller General as to the officer's claim in respect of service and active service, and also as to whether

Supplement A.—Covenanted Civil Servants.

there are any demands against him on account of the deduction prescribed in Section 3, or on any other account.

(*c*). If the resignation of the officer be accepted, the case should be forwarded to the Financial Department, where a Resolution will be recorded, granting the annuity or gratuity to which the officer may be entitled.

(*d*). The copy of this Resolution forwarded to the officer will be his authority for drawing the annuity or gratuity.

2. An officer may resign the service when absent in Europe on furlough. It is not necessary that he should first return to India.

Invalid annuity.

Section **5**.—An officer who, being declared by a medical certificate in due form, to be incapacitated for further service, is permitted to resign the service before he is entitled to an annuity under Section 4, is entitled to a gratuity or annuity as follows:

(*a*.) If he have been in the service for less than five years,—a gratuity of £500.

(*b*.) If he have been in the service for five years or more,—an annuity of £150, plus £20 for each complete year of service in excess of five: provided that the whole annuity shall not exceed £450.

Place and rate of payment.

Section **6**.—Annuities are payable, in arrear, quarterly, and to date of decease.

Section **7**.—Payment of these annuities and gratuities may be taken at the Home Treasury in sterling, or in India in Government rupees at the following rate:

If the annuitant was a member of the Bengal Civil Service, $10\frac{2}{3}$ Government rupees for each pound sterling;

If the annuitant was a member of the Madras or Bombay Civil Service, 10·65 Government rupees for each pound sterling;

Transfer from the Home Treasury to an Indian Treasury, or *vice versâ*, is permitted only once.

[NOTE.—The reason of the difference in the rate of exchange is to be found in the history of the annuity funds. The rates of exchange differ considerably in the various service funds.]

Sections 5—8

Sect. 8. After thirty-five years' service, counting from the date of his arrival in India, no officer shall be appointed to any new office, nor be permitted to retain an office which he has held for a period of five years and upwards, except in special cases, which are to be referred for the decision of the Secretary of State. The term "office" includes officiating appointments.

Supplement B.—Judges of the High Courts.

SUPPLEMENT B.

JUDGES OF THE HIGH COURTS.

[NOTE.—The following are the regulations made by the Secretary of State in Council of India, under the provisions of 24 & 25 Victoria, Cap. 104, Sec. 6, respecting the retiring pensions of the Judges of the High Courts. They were approved in the Judicial Despatch by the Secretary of State, No. 43, dated 11th October 1871.]

Section **1**.—A Chief Justice of the High Court at Calcutta, after an actual service of eleven and a half years as Judge of the High Court, of which period at least half shall have been in the office of Chief Justice, shall receive a pension not exceeding £1,800 per annum.

[NOTE.—In these rules, "actual service" includes the period during which a Judge is carrying on his duties in a High Court, also periods spent on privilege and subsidiary leave, and periods of vacation during which the Judge is not on "furlough or extraordinary leave."

"Extraordinary leave" means any leave granted otherwise than under the rules made by the Secretary of State in Council of India, under the provisions of the Act of Parliament above quoted.]

Section **2**.—A Puisne Judge of the High Court at Calcutta, on the same terms as to length of service, shall receive a pension, not exceeding £1,200 per annum.

Section **3**.—A Chief Justice of the High Courts of Madras, Bombay, and the North-Western Provinces, respectively, after an actual service of eleven and a half years as Judge of the High Court, of which period at least half shall have been in the office of Chief Justice, shall receive a pension not exceeding £1,500 per annum.

Section **4**.—A Puisne Judge of the High Courts of Madras, Bombay, and the North-Western Provinces, respectively, on the same terms as to length of service, shall receive a pension not exceeding £1,200 per annum.

Section **5**.—A Chief Justice or Puisne Judge compelled to retire on medical certificate after six years and nine months' actual service shall receive

Supplement B.—Judges of the High Courts.

a pension not exceeding one-half the amount of pension allowed for the full period of service.

Section **6.**—In the event of a Judge of the High Court, selected from the Covenanted or Uncovenanted Services, receiving a pension under these rules, he will not be entitled to any pension or retiring allowance under the rules applicable to Covenanted and Uncovenanted Servants, respectively.

Section **7.**—When a Judge of the High Court, selected from the Covenanted or Uncovenanted branches of the Civil Service, is permitted to retire before completing the full period of service entitling him to the pension of a Judge of that Court, he shall, on retiring, receive such a pension as he would be entitled to under the rules applicable to Covenanted and Uncovenanted Servants, respectively, reckoning the period during which he shall have served as Judge of a High Court towards his time for such pension.

Section **8.**—Provided, however, that if a Judge of the High Court, selected from the Covenanted or Uncovenanted branches of the Civil Service, shall be compelled to retire, on medical certificate, after six years and nine months' actual service, he shall be allowed the option of taking his pension or retiring allowance either under these rules or under the rules applicable to the service to which he belongs.

Section **9.**—A Judge of the High Court, selected from the Covenanted Civil Service, shall be required to continue his subscriptions to the Civil Annuity and Civil Service Funds.

Section **10.**—If a Judge be transferred from one Court to another, the period he shall have officiated in the first Court shall count as service qualifying for retiring pension.

Section **11.**—If a Puisne Judge be promoted to be a Chief Justice in the same or another Court, the time he will have served as Judge will count for pension, according to the rate of a Judge's

Supplement D.—Members of the Pilot Service in Bengal.

pension, and the time he shall serve as Chief Justice will count for pension according to the rate of a Chief Justice's pension.

Section **12.**—If a Judge of Madras, Bombay, or North-Western Provinces be promoted to be Chief Justice of Calcutta, the time he will have served as a Judge will count for pension at the rate of a Judge's pension, and the time he will serve as Chief Justice of Calcutta will count for pension according to the rate of such Chief Justice's pension.

Section **13.**—If a Chief Justice of Madras, Bombay, or the North-Western Provinces be transferred to be Chief Justice of Calcutta, the time he shall have served in the former capacity will count for pension according to the rate of pension of a Chief Justice of Madras, Bombay, or the North-Western Provinces, and the time he shall serve as Chief Justice of Calcutta, shall count for pension according to the rate of pension of a Chief Justice of the High Court of Calcutta.

SUPPLEMENT C.

CHAPLAINS AND ASSISTANT CHAPLAINS.

[Will be published hereafter.]

SUPPLEMENT D.

MEMBERS OF THE PILOT SERVICE IN BENGAL.

[*Note.*—The following rules were declared in 1835.]

Section **1.**—In consideration of a monthly contribution to the extent noted in the margin, by the pilots of the several grades towards a fund for pensionary support

Contribution.			
Branch Pilot, at	... Rs.	40	a month
Master	... „	20	„
First Mate	... „	10	„
Second Mate & Volunteer	„	4	„

Supplement D.—Members of the Pilot Service in Bengal.

to their widows and orphans, the following pensions will be allowed by Government:

Branch Pilot	Rupees	200	a month.
Master	„	100	„
First Mate	„	60	„
Second Mate & Volunteer ...	„	30	„

FAMILIES.

Widow of Branch Pilot ...	Rupees	100	a month.
Ditto „ Master ...	„	50	„
Ditto „ First Mate ...	„	30	„
Ditto „ Second Mate & Volunteer	„	15	„

CHILDREN.

Girls until 10 years of age ...	Rupees	14	a month.
After 10 years until married	„	20	„
Boys until 15 years of age ...	„	12	„

1. The widow of a pilot married to him after he became a pensioner, and the children of such marriages, are not entitled to the benefit of these rules.

Section **2.** (*a*).—Pilots are entitled to pension at the above rates on medical certificates by the Standing Invaliding Committee.

(*b*).—A pilot after thirty years' actual service in India, if he shall have attained the grade of branch pilot, shall be entitled to retire upon the pension of Government Rupees 200 a month, or if below the grade, upon a pension of Government Rupees 100 a month, provided that in any period of three consecutive years the number of pensions so granted do not exceed four.

Section **3.**—To entitle widows and orphans to the above pensions, pilots are to forward to the Master Attendant certificates of their marriage, of the birth of their children and of their baptism, within one month after the occurrence thereof. Notices of death are in like manner to be forwarded to the Master Attendant.

Section **4.**—No widow who may have been legally divorced or separated from her husband for adultery, or who at the period of her husband's demise, may have quitted his protection and be living in a state of notorious adultery though not

Supplement D.—Members of the Pilot Service in Bengal.

divorced or separated from him by law, or who, subsequently to her husband's decease, may be living in a notorious state of incontinence, nor any female orphan living in such state, shall be entitled to receive or continue to receive any pension under these rules.

Section **5.**—If a widow pensioner marries, her pension is to cease during her coverture; but in the event of her again becoming a widow, she shall be re-admitted to the pension to which she was entitled during her first widowhood, unless her second husband shall have been a member of the pilot service, and have been at his death of a higher grade than her first husband, in which case she shall be entitled to the pension of the higher rank.

Section **6.**—All pensioners under these rules are to make personal appearance at the Accountant General's Office on the first day of every alternate month, or to afford such other proof of their existence as the Accountant General may from time to time require.

Section **7.**—Widows and female orphans above the age of fifteen years are required to forward to the Accountant General's Office declarations half-yearly, in May and November, that they are not married, and that they have not been married at any intervening period. The declarations are to be countersigned by the executor to the estate of the deceased member of the pilot service, or pensioner, or by the guardian of an orphan, and by a member of the pilot service, certifying to the truth of the declaration to the best of their knowledge and belief. Forms of the declaration will be furnished on application at the Office of the Accountant General.

Section **8.**—Contributions to the pension fund by members of the pilot service who joined the service on or before the 1st July 1835, and pensions to them and to their families, will continue to be paid in Sicca Rupees. All other contributions,

Supplement D.—Members of the Pilot Service in Bengal.

allowances, and pensions, will be paid in Government Rupees.

1. If pensions payable in Sicca Rupees are paid at the Home Treasury of the Government of India, payment is made at 1*s.* 11*d* for each Government Rupee, Government Rs. 104½ being taken as equivalent to Sicca Rs. 100.

O. S. G. P.—No.229—6-4-72—500.

THE

CIVIL LEAVE CODE.

BEING

NOTIFICATION OF THE GOVT. OF INDIA, FINANCIAL DEPT., NO. 2008, DATED 14TH MARCH 1872.

AUTHORISED EDITION.

CALCUTTA:
OFFICE OF SUPERINTENDENT OF GOVERNMENT PRINTING.
No. 8, HASTINGS STREET.
1872.

No. 2008.

FINANCIAL DEPARTMENT.

NOTIFICATION.

Leave and Allowances.

Fort William, the 14th March 1872.

In supersession of existing rules regarding leave of absence from duty to public servants in the Civil Department, the Governor General in Council is pleased to direct the publication of the following Civil Leave Code.

As regards Covenanted Civil Servants, no change is made, except that it is expressly laid down that no officer can have "ordinary" furlough if he have rendered less than three years' service; a restriction which in the rules of 1868 was only implied.

As regards Uncovenanted Servants, the Code includes the recent orders of the Secretary of State, published in the *Gazette of India* of the 17th February last, but the following changes have been made in the original form of the rules:—

Sections of the proposed rules.	*Change.*
IV.	The qualification is three years' service, and not three years' "active" service.
VIII (*b*).	The restriction in the last sentence is omitted.
IX.	Special leave without allowances is not reckoned as leave taken, in calculating the amount of furlough due.
	An officer is entitled to allowances during his second special leave for any period by which his first may have fallen short of six months.
XXI.	The additional week at the end of furlough is not admitted.
XXII.	Leave on medical certificate without allowances is not reckoned as furlough taken.

One or two of the subsidiary rules are slightly altered, *e. g.*, 24, 9; and a few rules regarding procedure, which were not in the first Code, have been inserted; and a proviso has been added in section 6 (*b*).

The new rules for the Uncovenanted Service shall be deemed to have come into effect on the 3rd January 1871, being the day on which the despatch of the Secretary of State, No. 451, dated 6th December 1871, was received.

Officers who have taken leave since the 3rd January 1871 may apply for any additional allowances to which, by the rules now published under the orders of the Secretary of State, they may be entitled. But no reductions are to be made in the allowances of officers now on leave, in consequence of the leave allowances being calculated on "average salary" instead of on pay.

R. B. CHAPMAN,
Secretary to the Government of India.

THE CIVIL LEAVE CODE.

CHAPTER I.—Preliminary.
„ II.—Definitions.
„ III.—Furlough.
„ IV.—Special Leave of Absence.
„ V.—Subsidiary Leave of Absence.
„ VI.—Privilege Leave of Absence.
„ VII.—Examination Leave of Absence.
„ VIII.—Joining Time.
„ IX.—Extension and Commutation of Leave.
„ X.—Payment of Leave Allowances.
„ XI.—Last-Pay Certificate.
„ XII.—Return to Duty.
„ XIII.—Applications for Leave.
SCHEDULE A.—Of Uncovenanted Officers to whom the New Rules apply.
APPENDIX.—Forms for Last-Pay Certificate.
SUPPLEMENT A.—Lieutenant-Governors
„ B.—Members of Council.
„ C.—Judges of the High Courts, &c.
„ D.—Law Officers.
„ E.—Chaplains.
„ F.—Uncovenanted Officers generally.

162

THE CIVIL LEAVE CODE.

THE CIVIL LEAVE CODE.

CHAPTER I.

PRELIMINARY.

Extent of application.

Section **1**.—Leave of absence from duty may be granted under the rules in this Code—

Covenanted Servants.

(*a*), to all Covenanted Civil Servants of the Crown in India, except—

Lieutenant-Governors;

Ordinary Members of the Council of the Governor General, or of the Governor of Madras or Bombay;

Judges of the High Courts;

Uncovenanted Servants.

(*b*), to all Uncovenanted Civil Servants of the classes enumerated in Schedule A, who either have been, or may hereafter be, appointed to the service of the Government of India by, or with the special sanction of, Her Majesty's Secretary of State for India, or who may be specially admitted to the benefit of these rules.

Servants under contract.

1. Servants under contract are not entitled to leave except in accordance with the terms of their contract. But if a servant of the class defined in clause (*b*) of this section is, by the terms of his contract of service, entitled to leave under the Uncovenanted Service Leave Rules, the rules referred to shall be held to be the rules in this Code.

Section **2**.—Leave of absence from duty may be granted under the rules in the Supplements to this Code—

(*a*), to the officers excepted under Section 1 (*a*), (Supplements A, B. & C);

Barrister Judges.

(*b*), to the following officers, being barristers-at-law, or advocates of one of the High Courts of India, or of the Court of Session of Scotland, viz.,—

Judges of the Chief Court of the Panjáb;

First Judges of Small Cause Courts of Presidency Towns;

Sections 1—2.

Recorder of Rangún;

Secretary to the Council of the Governor General for making Laws and Regulations;

(Supplement C).

(*c*), to Law Officers of Government (Supplement D);

Chaplains. (*d*), to Chaplains (Supplement E);

Uncovenanted Servants. (*e*), to Uncovenanted Servants other than those mentioned in Section 1 (*b*), (Supplement F).

Discretion of Government. *Section* **3**.—Leave of absence can never be claimed absolutely, as of right. Nothing in these rules must be understood to limit the free discretion of the Government to refuse or revoke leave of absence of any description, at any time, according to the exigencies of the public service.

(1). If a Local Government, under this section, refuse furlough to an officer of the Bengal Covenanted Civil Service, it should report the refusal for the sanction of the Government of India in the Home Department.

CHAPTER II.

DEFINITIONS.

Active Service. *Section* **4**.—In these rules—

(*a*). "Active service" includes, besides time spent on duty:—

(1). Privilege leave of absence.

1. "Privilege leave" includes the corresponding leave, (then called "short leave on private affairs" and "leave on private affairs") under the Covenanted Service Leave Rules in force before the 1st July 1868.

(2). Subsidiary leave of absence.

1. "Subsidiary leave" includes the corresponding leave (then called "special leave") under the Covenanted Service Rules in force before the 1st July 1868; and also preparatory leave under the Uncovenanted Service Leave Rules.

In the case of Covenanted Civil Servants, it includes also—

(3). The interval between the date of an officer's first arrival in India, and the date on which he joins his first appointment.

Arrival in India.

1. The date of an officer's first arrival in India is held to have been as follows:—

Before the 31st January 1868,—the date of his actual arrival in India.

From the 31st January 1868 to the 4th May 1869, inclusive,—the date on which he reported his arrival at the capital town of the Presidency to which he was attached; or if he was attached to the North-West Provinces, the Panjáb, or Oudh, and had permission to come to India *viâ* Bombay, the date on which he reported his arrival at Bombay.

On and after the 5th May 1869,—the date on which he reports his arrival either at the seat of the Government to which he is attached, or at any other station to which he is ordered, or permitted to proceed direct.

2. If an officer does not join his first appointment within the joining time allowed him, the interval between the end of such joining time and the date on which he actually joins is not active service.

(4). Time passed in India, out of employ, on subsistence allowance, but not on furlough.

1. If a Covenanted Civil Servant on his first arrival in India is unable, from illness, to proceed to the seat of the Government to which he is attached, or to any other station to which he is ordered, the local Government in whose jurisdiction he is may, on medical certificate, grant to him a subsistence allowance of Rs. 250 a month, for not more than two months. Time thus spent is not active service.

(5). Leave of absence within the limits of the East India Company's Charter, which counted as service and residence under the Covenanted Service Leave Rules in force before the 8th June 1855.

(6). Leave of absence on urgent private affairs granted before the 3rd January 1863.

1. Examination leave of absence is also "active service;" provided that not more than twelve months can be so reckoned to any officer.

2. One year of leave of absence on medical certificate was reckoned as "residence" under the Covenanted Service Leave Rules in force before the 1st July 1868, but is not "active service."

Extraordinary leave

(*b*). "Extraordinary leave" means leave of absence granted otherwise than under the rules in this Code or its Supplements.

Example. Leave in extension of the three years admissible under Section 7.

Continuous service.

(*c*). "Continuous service" and "continuous active service" mean the service, and active service, of an officer since his last return from leave of the following kinds, namely:—

in the case of a Covenanted Civil Servant, furlough or extraordinary leave lasting more than three months;

in the case of an Uncovenanted Civil Servant, furlough, special leave, or extraordinary leave, whether more or less than three months;

or, if he have not had such leave, since the beginning of his active service.

No leave can be included in continuous service, except—

in the case of a Covenanted Civil Servant, privilege leave and special leave.

in the case of an Uncovenanted Civil Servant, privilege leave.

1. Examination leave may also be included, unless the officer have already had twelve months such leave.

Pay and salary.

(*d*). "Pay" means substantive pay. The term includes also the subsistence allowance of a Covenanted Civil Servant who has an officiating, but not a substantive appointment. "Salary" is the sum of pay and acting allowance.

1. Personal allowance is, for the purposes of this Code, to be taken as part of an officer's substantive pay.

2. "Salary" does not include house-rent, tentage, or travelling allowances, whether daily, monthly, or annual;

nor does it include "local allowances," which are paid in full to the officer performing the duty for which they are given, no part being allowed to an absentee.

Local Government.

(*e.*) "Local Government" includes a Department of the Government of India, a Chief Commissioner, and the Resident at Hydarabad.

CHAPTER III.

FURLOUGH.

Aggregate admissible.

Section **5**.—The amount of furlough admissible to a Covenanted Civil Servant, and the aggregate amount of furlough and of special leave with allowances, admissible to an Uncovenanted Civil Servant, is limited to six years. All the rules in the Code are subject to this limitation.

Explanation.—The following leave under other rules is counted as furlough under this section:—

In the case of a Covenanted Civil Servant,—furlough, and leave with allowances on medical certificate, under former rules.

In the case of an Uncovenanted Civil Servant,—furlough, leave with allowances on medical certificate, and leave on private affairs, under former rules, or under the rules in Supplement F of this Code.

Section **6** (*a.*)—The amount of furlough "earned" by an officer is one-fourth of his active service.

Proviso.—Provided that, in making this calculation for an Uncovenanted Civil Servant, only half of the active service rendered by him in offices other than those included in Schedule A shall be taken into account.

1. The whole of the active service rendered while officiating in any of the offices included in Schedule A is to be taken into account.

Amount due

(*b.*) The amount of furlough "due" to an officer is the amount which he has earned, diminished by—

First, in the case of a Covenanted Civil Servant,–

(1) the amount of furlough which he has enjoyed under these or any former rules

except junior furlough under the rules in force before the 8th June 1855;

(2) the excess over one year in the amount of leave with allowances on medical certificate which he has enjoyed under former rules.

Secondly, in the case of an Uncovenanted Civil Servant,—

(3) the amount of furlough or special leave with allowances which he has enjoyed under these or any other rules;

(4) the amount of leave on private affairs or on medical certificate with allowances which he has enjoyed under the rules formerly applicable to him.

1. Leave of the kind described in Section 4 (*a* 5) is not counted against an officer under this section or under Section 5.

Proviso.—Provided that if more than two years' furlough be due to an Uncovenanted Civil Servant when he is first admitted to the benefit of these rules, the excess shall be cancelled.

AMOUNT ADMISSIBLE after 8 years' service.

Section 7 (*a.*)—To an officer who has rendered three years' continuous service, furlough for not more than two years may be granted, as follows:—

First, on medical certificate,—unconditionally;

See Section 25, Rule 2.

Secondly, without medical certificate,—subject to these provisoes—

(1) that the furlough be due to him;

(2) that he have rendered eight years' active service;

(3) that the whole number of officers absent on furlough and special leave do not exceed the limit appointed by the Government of India.

Limit.

1. Except on medical certificate, or on very urgent private affairs, furlough or special leave may not be granted to a Covenanted Civil Servant in Oudh, the Central Provinces, British Burmah, Ajmír, Mysore and Coorg, and the

Section 7.

Berars, if one-fifth of the whole number of officers, Covenanted, Military, and Uncovenanted, serving in the same Commission are already absent on furlough or special leave. In other Local Governments, it may not be granted, if one-fifth of the whole number of Covenanted Civil Servants serving under the orders of the same Local Government are already absent on furlough or special leave.

(*b.*) Furlough granted under this section may, on medical certificate, be extended to not more than three years.

After less than three years' service.

Section **8** (*a.*)—To an officer who has not rendered three years' continuous service, furlough for not more than one year may be granted on medical certificate.

(*b.*) Furlough granted under this section for less than one year may, on medical certificate, be extended to not more than one year.

Section **9** (*a.*)—An officer on ordinary furlough has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay.

Ordinary furlough.

Explanation.—Ordinary furlough includes—

(1) the first two years of each separate period of furlough under Section 7;

(2) so much of furlough under Section 8 as may be due, provided the officer have rendered six months' continuous active service.

Other furlough.

(*b.*) On other furlough a Covenanted Civil Servant has no lien, but an Uncovenanted Civil Servant has a lien.

1. An officer may not surrender his lien; and a local Government may not fill up substantively an appointment on which an officer has a lien without transferring the officer to another substantive appointment of not less pay. The saving which accrues to the State by paying acting allowances, instead of substantive, must be carefully secured as a set-off against the cost of leave allowances.

2. An officer may have a lien on an appointment without having actually joined it.

3. An officer on furlough has no claim to substantive promotion; but there is no objection to such promotion.

4. An officer on furlough has no lien on an acting appointment.

ALLOWANCES On ordinary furlough.

Section **10** (*a.*)—An officer on ordinary furlough is entitled, subject to the limitations prescribed in clauses (*b*) and (*c*) of this section, to a leave allowance equal to half the average salary which he has earned during so much of his continuous active service as is within the three years preceding the day on which he gives up office.

Provided that subsidiary leave shall not be included in active service under this section, nor periods during which an officer has been out of employ in India, otherwise than as a penalty for misconduct.

Limits.

(*b.*) The maximum leave allowance of a Covenanted Civil Servant on ordinary furlough is, if paid at the Home Treasury of the Government of India, £250 a quarter, and if paid in India, Rs. 833⅓ a month. The minimum is, if paid at the Home Treasury, £125 a quarter, or his last salary, whichever is less; and if paid in India, Rs. 416⅔ a month, or his last salary, whichever is less.

(*c.*) The maximum leave allowance of an Uncovenanted Civil Servant on ordinary furlough is, if paid at the Home Treasury of the Government of India, £200 a quarter, and if paid in India, Rs. 666⅔ a month. There is no minimum limit.

1. An officer on furlough does not forfeit his past leave allowance by resigning the service without returning to India.

On other furlough.

Section **11**.—An officer on furlough, other than ordinary, is entitled, if a Covenanted Civil Servant, to subsistence allowance, and if an Uncovenanted Civil Servant, to £120 a quarter paid at the Home Treasury, or Rs. 400 a month paid in India, or to one quarter of the average salary defined in Section 10 (*a*), whichever is less.

Subsistence allowance.

1. The following are the rates of subsistence allowance for Covenanted Civil Servants:—

To an officer of not more than eight years' actual residence in India ...	Rs. 250 a month.
To an officer of more than eight, but less than twelve years' actual residence in India	„ 320 „
To an officer of twelve or more years' actual residence in India ...	„ 400 „

CHAPTER IV.

Special Leave of Absence.

Amount admissible.

Section **12**.—Special leave on urgent private affairs may be granted at any time for not more than six months:

Provided that an officer who has had special leave must render six years' active service before he can again have such leave.

1. The corresponding leave under the Covenanted Service Leave Rules in force before the 1st July 1868, is "special leave" within the meaning of this proviso.

Lien.

Section **13**.—An officer on special leave has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay.

See Rules under Section 9.

Allowances.

Section **14** (*a*.)—For the first six months for which an officer is on special leave, whether the six months be included in the same leave or not, he is entitled to the leave allowance admissible under Section 10.

(*b*.)—Thereafter he is entitled to no leave allowance.

1. The corresponding leave under the rules in force before the 1st July 1868 is "special leave" within the meaning of this section.

Sections 12—14.

CHAPTER V.

SUBSIDIARY LEAVE OF ABSENCE.

AMOUNT ADMISSIBLE.

Section **15** (*a.*)—Furlough and special leave, out of India, begin on, and include, the date of the departure of the vessel in which the officer sails; and to an officer taking such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day on which he gives up office, to the day before that on which his furlough or special leave begins.

(*b.*)—Furlough and special leave, out of India, end on, and include, the date of the arrival of the vessel in which the officer returns; and to an officer coming back from such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day after that on which the vessel arrives, to the day before that on which he assumes the office to which he may be appointed.

1. Subsidiary leave may be granted to a Covenanted Civil Servant retiring from the service, to the same extent, and with the same allowances, as if he were going on furlough. To an Uncovenanted Civil Servant, such leave may be given on half-pay for fourteen days, but only if it cause no additional expense to the State.

2. Subsidiary leave for more than thirty days may be granted in cases of necessity; but all such grants, and the reasons for them, must be reported to the Government of India.

Port of embarkation.

3. An officer may leave India, or return to India, by any port he likes; but the dates by which the beginning and end of furlough and special leave are determined, are the date of the vessel's departure from the port where he first meets it, and arrival at the port where he quits it. For instance, an officer sailing from Calcutta in a vessel which touches at Madras, counts by the date of departure from Calcutta, and not from Madras.

4. The date of the departure of a vessel from Calcutta is held to be the date on which the pilot leaves it at sea.

Reports required.

5. An officer quitting India after subsidiary leave must report his departure to the local Government which granted him the leave; and he must report his arrival in England to the Secretary of State.

Explanation.—An officer may take furlough or special leave partly in, and partly out of, India. But subsidiary leave is not admissible under clause (*a*) of this section, unless the furlough or special leave begins as furlough or special leave out of India; nor under clause (*b*), unless it ends as furlough or special leave out of India.

1. If an officer remains in India after the end of subsidiary leave under clause (*a*), his furlough or special leave will be held to have begun as furlough or special leave in India, and will be counted from the day on which he gave up office.

LIEN. *Section* **16** (*a.*)—An officer on subsidiary leave under clause (*a*) of Section 15 has, or has not, a lien on an appointment according as he has, or has not, such lien on the first day of the leave to which it is subsidiary.

(*b.*)—An officer on subsidiary leave under clause (*b*) of Section 15 has, or has not, a lien on an appointment according as he has, or has not, such lien on the day last preceding the subsidiary leave.

ALLOWANCES. *Section* **17**. An officer on subsidiary leave is entitled to allowances as follows:—

Ordinary furlough. (*a.*) If the leave immediately following, or immediately preceding, the subsidiary leave be ordinary furlough, or if it be special leave, and the officer have not had leave subsidiary to a former special leave,—the allowance admissible under Section 10, but calculated, in the case of a Covenanted Civil Servant, without limitation of maximum or minimum.

Other furlough. (*b.*) If the leave immediately following, or immediately preceding, the subsidiary leave be furlough other than ordinary,—the allowance admissible under Section 11.

Special leave. (*c.*) If the leave be subsidiary to special leave, and the officer have had leave subsidiary to a former special leave,—no allowance.

(*d.*) If the officer, under Section 24, have ceased to have a lien on a substantive appointment, —subsistence allowance in the case of a Covenanted

Civil Servant, and no allowance in the case of an Uncovenanted Civil Servant.

1. The corresponding leave under the Covenanted Service Rules in force before the 1st July 1868 is special leave within the meaning of this section.

Privilege leave allowances.

2. An officer may draw allowances as if he were on privilege leave, for any part of his subsidiary leave under clause (*a*) of Section 15, for which, if he were not going on furlough or special leave, privilege leave would be admissible to him.

CHAPTER VI.

Privilege Leave of Absence.

Amount admissible.

Section **18**.—Privilege leave may be granted as follows :—

After eleven months' uninterrupted duty,—for not more than one month.

After twenty-two months' uninterrupted duty,—for not more than two months.

After thirty-three months' uninterrupted duty,—for not more than three months.

Officers who have vacations.

1. To Uncovenanted Judicial and Educational Officers, whose duties are not continuous, and who enjoy regular vacations, during which they are allowed to be absent from duty, privilege leave is not admissible except in case of urgent necessity.

2. The Local Government may, with the sanction of the Government of India, impose similar restrictions in the case of Covenanted Officers.

Declaration required.

3. Before privilege leave can be granted to an officer, he must record a declaration that he has no intention of retiring or of taking furlough, special leave, or leave on private affairs or medical certificate, within three months of his return to duty. Though not absolutely debarred by this declaration from applying to retire or to take such leave within the three months, he should, if he does so, explain fully his change of mind.

Qualification.

4. Time spent on subsidiary leave does not qualify for privilege leave. But if an officer returning from leave be, solely for the convenience of the Local Government, and not for any fault of his own, prevented from joining an

appointment on which he has a lien, or if he be kept out of employ on subsistence allowance, then duty qualifying for privilege leave begins on the day on which he presents himself to the Local Government ready for duty.

5. When an officer is first appointed to the public service, duty qualifying for privilege leave does not begin until he takes charge of a particular office.

6. "Examination leave" may, if the examination for which it was granted be successfully passed, count as duty qualifying for privilege leave, unless the officer have already had twelve months' such leave.

7. Suspension as a penalty for misconduct is an interruption of duty within the meaning of this section.

8. If an officer remains absent after the end of examination leave or of joining-time, the period of absence cannot count as duty qualifying for privilege leave, and unless the absence is accounted for to the satisfaction of the Local Government, it is an interruption of duty within the meaning of this section.

Instalments. *Section* **19** (*a*).—If less than the whole amount of privilege leave admissible under Section 18 be at first granted, the rest may be granted afterwards, either at one time, or in instalments:

Provided that no privilege leave may be granted under this clause after less than six months' uninterrupted duty.

1. Officer absent on privilege leave has been recalled to duty on public grounds, the next instalment of the leave may be granted without reference to this proviso.

(*b*). Duty qualifying for fresh privilege leave begins at the end of the leave first granted; and further leave under clause (*a*) of this section, though not counting as duty, does not interrupt duty for fresh privilege leave.

(*c*). Fresh privilege leave, if admissible under Section 18, may be granted in combination with leave under clause (*a*) of this section:

Provided that no length of duty can, under any circumstances, qualify for more than three months' privilege leave.

Lien. *Section* **20**.—An officer on privilege leave has a lien on his substantive appointment. He has also

a lien on his officiating appointment, so long as it is not resumed by an officer having a superior lien on it.

ALLOWANCES.

Section **21.**—An officer on privilege leave is entitled to a leave allowance equal to the pay or salary which he would earn if he held or officiated in the appointment on which he has a lien.

1. If privilege leave is granted to an officer who holds an appointment sanctioned only for a limited time, and for a special purpose, he is not entitled, during privilege leave, to any special allowance attached to the appointment.

Acting allowances.

2. If an officer on privilege leave obtains officiating promotion which, were he on duty, would, without involving any increase or change of duties, or responsibility, entitle him to acting allowance or increased acting allowance, he is entitled to the acting allowance, or increased acting allowance, from the date of such promotion.

3. An officer on privilege leave is entitled to acting allowance, even though another officer be appointed to act for him.

4. If an officer, who has been temporarily promoted from a lower to a higher officiating appointment, takes privilege leave on being relieved of the latter, and the Local Government declares that, on being so relieved, he has reverted to the lower officiating appointment, his allowances on leave shall be calculated as if he had rejoined it.

House-rent.

5. In Bombay, an officer on privilege leave may draw the house-rent or tentage attached to his appointment, if he places his house or tent at the disposal of the officer, if any, who officiates for him. The officiating officer cannot draw the house-rent or tentage attached to the same appointment. But if the officiating officer, for a reason which the Local Government considers sufficient, refuses the accommodation placed at his disposal, the allowance is to be drawn by him and not by the absentee.

CHAPTER VII.

EXAMINATION LEAVE OF ABSENCE.

Examination Leave.

1. A Covenanted Civil Servant, who is a candidate for one of the rewards offered for the study of Oriental Languages, may be allowed leave for one month for the purpose of being examined.

2. If he pass the examination, he may be allowed similar leave for another month.

3. An officer on examination leave has a lien on his appointment (substantive or officiating), and is entitled to leave allowance, as if he were on privilege leave.

CHAPTER VIII.

JOINING-TIME.

[The rules in this Chapter apply to all officers in civil employ.]

1. Joining-time is the time allowed to an officer to proceed from one station to another when his appointment is changed, or when, being unemployed, he is appointed to any office. An officer is held to be on duty during joining-time, if he is entitled to allowances.

Amount admissible.

2. Joining-time is allowed as follows:—

For that part of the route for which railway is available, —one day for every hundred miles.

For that part of the route for which steamer is available,—one day for every hundred miles, or such longer time as the steamer may actually occupy.

Where neither railway nor steamer is available,—one day for every ten miles.

And six days in addition to the whole thus calculated.

Sundays are excluded in the calculation of joining-time.

3. The full joining-time is allowed only if it is spent *bonâ fide* in preparation for the journey or in progress from one station to another; and no more than three months may be given under any circumstances. The Government also, which orders a transfer, may limit the duration of joining-time.

When leave intervenes.

4. When an officer, after giving over charge of his office at one station on transfer or reversion to another, takes privilege or examination leave before joining the office to which he has been transferred, or to which he has reverted; or when an officer, while on privilege or examination leave, is transferred to a station other than that from which he took leave,—he is entitled to joining-time in addition to his privilege or examination leave. The joining-time of an officer transferred during privilege or examination leave will be counted from his old station, or from the place where he received the order of transfer, whichever is nearer to his new station.

5. An officer, the head quarters of whose office are not fixed at one station, must, on the expiry of leave, rejoin his office wherever either the head quarters of the office or his

locum tenens may actually be, provided that the Government, or other authority by whom the leave was granted, may, for any public reason, permit or require the officer to rejoin elsewhere.

6. If an officer, during transit from one appointment to another, obtains furlough on medical certificate (with or without subsidiary leave prefixed), he will be allowed only the joining-time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

Allowances.

7. Except in the case mentioned in the next rule, an officer draws during joining-time the following allowances :—

(*a*) First, as regards pay,—
the pay which he drew in his old appointment, or that which he draws in his new, whichever is less.

(*b*) Second, as regards acting allowance :—

(1) if transferred from an officiating appointment to an appointment, officiating or substantive, of not less salary,—the acting allowance of his old appointment;

(2) if, after being promoted from a lower to a higher officiating appointment with retention of lien on the lower one, he is relieved of the higher and returns to the lower officiating appointment, or to another appointment, officiating or substantive, of not less salary,—the acting allowance of the lower officiating appointment :

(3) Provided that no officer can draw acting allowance for any appointment after any one having a superior lien on it has resumed it.

8. An officer who has no substantive appointment, and is not in the Covenanted Civil Service or the Army, is not entitled to any allowance during joining-time; but if such an officer, while officiating in an office, is transferred to another office in the same department, and under the same Local Government, the Local Government may allow him to draw, during his transit, the allowance to which he would be entitled under Rule 7.

Illustration.—A, who has no substantive appointment, but is officiating as Sub-Registrar of Assurances in Bardwan, is appointed to officiate as Deputy Magistrate and Deputy Collector in Rajshahye, and subsequently transferred to officiate as Deputy Magistrate and Deputy Collector in Patna. A is not entitled to any allowance during his transit

from Bardwan to Rajshahye, but he may be allowed by the Local Government to draw, during his transit from Rajshahye to Patna, the allowance to which he would be entitled under Rule 7.

CHAPTER IX.

Extension and Commutation of Leave.

Extension and Commutation.

Section **22.** Except as provided in Section 15, no kind of leave can be granted in continuation of any other kind; but any leave may be retrospectively changed for any other kind or amount of leave which might at first have been granted:

Provided that the grant, or extension of furlough, under this rule (otherwise than on medical certificate), is subject to Proviso 3 in Section 7 (*a*).

1. Except by the Secretary of State, leave cannot be changed or extended without the permission of the Local Government which originally granted it.

2. Examination leave may be granted in continuation of privilege leave, but no kind of leave, except furlough on medical certificate, can be granted in continuation of examination leave.

3. When privilege leave is, on medical certificate, retrospectively changed for furlough out of India, so much of the leave passed before the departure of the vessel in which the officer sails may be treated as subsidiary leave under clause (*a*) of Section 15, as might have been granted as subsidiary leave, if the officer had originally obtained furlough and not privilege leave.

CHAPTER X.

Payment of Leave Allowances.

[The rules in this Chapter apply to all officers in civil employ.]

Allowances how payable.

Section **23** (*a*). Leave allowances are payable in India after the end of each month; but an officer on furlough or special leave out of India may, at his option, take payment at the Home Treasury of the Government of India.

1. An officer quitting India on furlough or special leave must take with him a last-pay certificate, whether he intends to draw his allowances in England or not. For rules, see next Chapter.

Sections 22—23

Treasury forms

2. A gazetted officer may draw his allowances at any treasury in India. If he signs the bill himself, he must either appear in person at the place of payment, or must furnish a life-certificate by a Covenanted Civil Servant, a Magistrate, a Notary, a Banker, or a Minister of Religion. If he draws the allowances through an authorised agent, the agent must either furnish a life-certificate as above, or must execute a bond to refund over-payments. A life-certificate may be given periodically, a bond being given to cover intermediate payments not supported by the life-certificate.

(Forms of life-certificate may be procured at the India Office, London).

3. A non-gazetted officer can draw his leave allowances only at the treasury whence his salary is disbursed, and under the signature of the head of the office to which he is attached; this officer is responsible for any over-charges, and no other security is required.

Exchange with England.

(*b*). If payment be taken at the Home Treasury, it is made quarterly, and rupees are converted into sterling at the rate of exchange fixed, for the time being, for financial transactions between the Imperial and the Indian Treasuries.

1. If an officer's contract of service contains a stipulation to the effect that "a pound sterling shall be considered equal to and calculated after the rate of ten rupees," his leave allowances shall be converted into sterling at that rate.

CHAPTER XI.

Last-Pay Certificate.

(The rules in this Chapter apply to all officers in civil employ.)

Last pay certificate.

1. No officer (unless he has been newly appointed to the service of Government) can begin to draw pay or allowances at any treasury in India, or at the Home Treasury of the Government of India, without producing a last-pay certificate from the treasury where his pay or allowances were last disbursed, or from the Accountant General within whose jurisdiction that treasury is.

2. An officer must, if possible, appear personally at the office where his last-pay certificate is completed.

3. The following are the rules and forms prescribed for the issue of last-pay certificates in India.

Sections 22—23.

The cases in which these certificates are given are thus classified:—

Case I.—To an officer proceeding on leave to Europe and embarking at a port in the presidency or province in which he is employed;

Case II.—To an officer proceeding on leave to Europe and embarking at a port in another presidency or province;

(*a*) If he be employed at, or have to pass through, the station of the Accountant General of his presidency or province;

(*b*) If he be not employed at, and have not to pass through, that station;

Case III.—To an officer proceeding on leave from one place in India to another, whether the two places are or are not within the same presidency or province;

Case IV.—To an officer proceeding on duty from one presidency or province to another;

Case V.—To an officer proceeding on duty from one place to another in the same presidency or province.

The rules for each of these cases are as follows:—

CASE I.

Officer embarking in his own presidency.

The Accountant General should give the officer a certificate in Form A, Appendix B, and, save in the cases below excepted, forward a duplicate certificate, in the same form, to the Local Government for transmission to the Secretary of State.

Exceptions.—1. If the officer embark at a port in British Burmah, the Accountant General should forward the duplicate form direct to the Financial Department of the Government of India for transmission to the Secretary of State.

2. If the officer embark at Calcutta, the Accountant General should, in like manner, forward the duplicate form to the Financial Department, after filling up the blanks in the pilot's certificate at its foot.

CASE II (*a*).

Officer embarking in another presidency

The Accountant General should pay the officer* his allowances up to the date of his departure from his (the Accountant General's) station, and should give him a certificate in Form B, Appendix B, leaving the 5th, 7th, and 8th spaces blank, and send a duplicate, after signing the letter on the reverse, to the Accountant General, or (if there be no Accountant General) to the officer in charge of the treasury at the port at which the absentee intends to embark for

* The officer, if he be not employed at the Accountant General's station should bring a last-pay certificate, in a form similar to Form M, from the Officer in charge of the treasury where his salary was last disbursed.

Europe. The Accountant General or Treasury Officer at the port of embarkation should follow the instructions in the letter addressed to him, and return the original form to the officer. If he be an Accountant General, he should forward the duplicate to the Local Government for transmission to the Secretary of State, and address a letter in the Form E, Appendix B, to the Accountant General of the officer's presidency; but if he be a Treasury Officer, he should forward the duplicate to the Accountant General of his own presidency, who will forward it to the Local Government for transmission to the Secretary of State, and address a letter in the Form F, Appendix B, to the Accountant General of the absentee's presidency.

CASE II (*b*).

The Accountant General should send to the officer a certificate in Form C, Appendix B, leaving the 5th, 7th, and 8th spaces blank, and forward a duplicate to the Accountant General or Treasury Officer at the port at which the officer intends to embark for Europe. Before the officer's departure from his station, the officer in charge of the treasury from which he last drew pay should fill up and attest the certificate at the end of the original Form C. The Accountant General or Treasury Officer at the port at which the officer intends to embark should follow the instructions in the letter to his address on the back of Form C, and after copying the entries and signature from the certificate at the end of the original form into the duplicate, should return the original form to the officer. If he be an Accountant General, he should forward the duplicate certificate to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the form to the Accountant General of the absentee's presidency, with a letter in the Form G, Appendix B; but if he be a Treasury Officer, he should forward the duplicate Form E to the Accountant General of his own presidency, who will send it to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the form to the Accountant General of the absentee's presidency, with a letter in the Form H, Appendix B.

But in the case of a Covenanted Civil Servant, or a Military Officer in civil employ, or an Uncovenanted Civil Servant of the class as specified in Section 1 (*b*) of the Code, if the officer's appointment have been changed within the period, on his average salary for which the leave allowance is to be calculated, the rate of leave allowance will sometimes depend on the date on which he may make over charge of his office, and the Accountant General may not be aware of

that date at the time the last-pay certificate is prepared. In such cases the Accountant General should send to the officer a document in the Form D, Appendix B, leaving the 5th, 6th, 8th, and 9th spaces on the face of the form blanke and should forward a duplicate of it to the Accountant General or Treasury Officer at the port at which the officer intends to embark. Before the officer's departure from his station, the officer in charge of the treasury from which he last drew pay should fill up the 6th space on the face of the original form, and fill up and attest the certificate at the end of that form The Accountant General or Treasury Officer at the port at which the officer intends to embark should follow the instructions in the letter to his address on the back of the form, and having copied in the duplicate form the entry in the 6th space on the face of the original form and the entries and signature in the certificate at the end, should return the original form to the absentee. If he be an Accountant General, he should forward the duplicate form to the Local Government for transmission to the Secretary of State, and send a copy of the certificate at the end of the form to the Accountant General of the absentee's presidency, with a letter in the Form K, Appendix B; but if he be a Treasury Officer, he should forward the duplicate Form D to the Accountant General of his own presidency, who will send it on to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the Form D to the Accountant General of the absentee's presidency, with a letter in the Form L, Appendix B.

CASE III.

Proceeding on leave to another place in India.

The Accountant General will give the officer a certificate in Form A, Appendix B; but if the officer is proceeding to a place within the same presidency or province, the tenth space in the form may be left blank.

CASE IV.

Proceeding on duty to another Province.

The officer should obtain a certificate in the Form M, Appendix B. If he be employed at the station of the Accountant General of his presidency, the certificate should be given by that officer. If he have to pass through that station on his way to his new presidency, the certificate should be given by the officer in charge of the treasury from which he last drew pay and countersigned by the Accountant General. If he be not employed at, and have not to pass through, the Accountant General's station, the certificate should be given by the officer in charge of the treasury from which he last drew pay, and a duplicate of it should be forwarded by the Treasury Officer to the Accountant General for countersignature and transmission to the Accountant General of the transferred officer's new presidency.

CASE V.

To another place in the same Province.

The officer should obtain a last-pay certificate in Form M from the officer in charge of the treasury from which he last drew pay.

CHAPTER XII.

RETURN TO DUTY.

Overstay of leave.

Section **24.** An officer who remains absent after the end of his leave is entitled to no allowance for the period of such absence, and he ceases to have a lien on any appointment, if his leave was furlough, immediately, and, if it was special or privilege leave, after a week.

Permission to return to duty.

1. An officer on furlough or special leave in Europe may not return to India without obtaining the permission of the Secretary of State.

2. The grant by the Secretary of State to an officer on leave of permission to return to duty by a particular steamer, is equivalent to an extension of leave without prejudice to the officer's appointment until the date the steamer arrives.

3. A gazetted officer returning to duty must report his return to the Local Government. An officer of the Bengal Covenanted Civil Service returning from furlough must report his return to the Government of India also.

4. An officer permitted to return to duty before the end of his leave should have the unused part of his leave formally cancelled by the authority which granted it; but this is not necessary if his return from leave is separately notified in the Gazette.

5. The Local Government may exempt an officer from loss of appointment under this section, if it considers that his default was due to circumstances beyond his control.

Change of appointment during furlough.

6. If the appointment of an officer is changed during furlough or special leave out of India, or upon his reporting his return, he must join his new appointment within the subsidiary leave allowed him. Nothing in excess of the allowances admissible for subsidiary leave can be passed to him until he joins his new office.

7. If the appointment of an officer is changed during furlough or special leave in India, he must join his new appointment within the leave. But the Local Government may give him joining-time, if he have not had sufficient notice of the change.

8. An officer the head quarters of whose office are not fixed at one station must, at the end of his leave, rejoin his office wherever either the head quarters of his office or his *locum tenens* may actually be; but the Government or other authority which granted the leave may, for public reasons, permit or require the officer to rejoin elsewhere.

9. An officer begins to draw pay and acting allowance from the day on which he assumes the office (substantive or officiating) to which he may have been appointed, or on which he may have a lien. But if his leave or joining time end on a Sunday or holiday, and he take charge on the first working day after such Sunday or holiday, his assumption of office and the re-arrangement of appointments (if any), consequent thereon, shall be held to have taken place on the day after that on which his leave ended: Provided that such re-arrangement (if any) does not involve the transfer of any officer to another station, or the formal appointment of any officer to a new office.

10. If charge of an office is transferred after noon, the transfer does not affect allowances till the next day.

CHAPTER XIII.

Applications for Leave.

Applications for leave.

Section **25**. Applications for leave are to be submitted to the Local Government, which will deal with them in such manner as the Governor General in Council may prescribe.

1, (*a*). When an officer applies for leave, he should distinctly state under what section of these rules he wants it, and should show that he is entitled to it under that section.

(*b*). Local Governments may grant leave under the rules to officers serving under their orders. Before granting the leave, they should obtain report of the Accountant General as to the applicant's title to it.

(*c*). A Local Government granting leave to an officer of the Bengal, Madras, or Bombay Covenanted Service serving out of his own presidency, should inform the Government of India, Madras, or Bombay as the case may be.

(*d*). The Local Governments should, at the end of each quarter, submit to the Home Department of the Government of India a statement of officers of the Bengal Covenanted Civil Service absent on furlough or special leave (including subsidiary leave) granted by them. A register prepared from these statements is kept in the Home Department, and is published quarterly in the *Gazette of India*.

Medical certificate.

2, (*a*). Applications from officers in India for leave, or extension, or commutation of leave on medical certificate, must be accompanied by a medical certificate in the following form :—

> I, *A. B.*, Surgeon at, or of, , do hereby certify that *C. D.*, of the Service, is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to sea [*or to such place as the Surgeon may think proper, expressing it in the certificate*].

(*b*). The applicant must (unless the state of his health absolutely prevent it) present himself, with two copies of the statement of his case, before the Medical Board at any of the presidency towns, and obtain their certificate as follows :—

> We [*or* I] do hereby certify that, according to the best of our [*or* my] professional judgment, after careful personal examination of the case, we [*or* I] consider the state of health of *C. D.* to be such as to render leave of absence for a period of blank absolutely necessary for his recovery.

(*c*). An officer serving in Burmah need not appear at a presidency town, but must obtain the certificate from a Medical Board composed of the Deputy Inspector General of Hospitals, and the two next senior medical officers, at Rangoon.

(*d*). If the officer is going on leave out of India, he should take with him one copy of his case.

(*e*). If the applicant for an *extension or commutation of leave* on medical certificate be residing out of India, and within 20 miles of London, he must produce a certificate from the Medical Board attached to the India Office, showing the necessity for the extension or commutation. If he be residing beyond that distance from London, certificates in the second of the above forms must be produced from two medical practitioners; but he is liable to be called upon to produce other evidence.

3. Unless specially otherwise ordered, leave must begin within 35 days of the date on which it was granted.

4. No-demand certificates are not required from officers going on leave except in the Public Works Department.

Priority of claim.

Section 26. If under the operation of Proviso 3, Section 7 (*a*) the applications for furlough (in-

cluding those under Section 22) cannot all be complied with, furlough will be granted in the following order:—

First.—To those applicants to whom most furlough is due;

Secondly.—Of two or more applicants to whom the same amount is due, to him who has rendered longest continuous active service;

Thirdly.—Of two or more such applicants who have rendered the same continuous active service, to the senior.

(Schedule A.—Referred to in Section 1 (b).

(Schedule A.—Referred to in Section 1 (b).

SCHEDULE A.

REFERRED TO IN SECTION 1 (*b*).

Officers holding substantive appointments, such as are usually held by Covenanted Civil Servants, or Commissioned Officers of the Army or any of those specified in the following list :—

LAND REVENUE.—Officers of the Settlement Department above the rank of Deputy Collector, or Extra Assistant Commissioner.

FOREST.—Assistant Conservators and officers of higher rank.

CUSTOMS.—Commissioner, Deputy Commissioner, and Collectors of Inland Customs, Deputy and Assistant Commissioners of Sea Customs.

OPIUM.—Sub-Deputy Opium Agents.

POST OFFICE.—Presidency Post Masters, Chief Inspectors, and officers of higher rank.

TELEGRAPH.—Assistant Superintendents and officers of higher rank.

ADMINISTRATION.—Assistant and Under Secretaries to Government, Superintendent of Government Printing.

SURVEY.—Trigonometrical, Topographical, and Revenue.—Assistant Surveyors and officers of higher rank.

Geological.—Officers on the graded list.

FINANCIAL.—Officers of 5th and higher grades.

JUDICIAL.—Judges of the Chief Court of the Panjab (not being Barristers). Judges and Registrars of Presidency Small Cause Courts. Civil Judges in Oudh. Magistrates of Police in Presidency Towns. Registrars of High Courts. Clerks of the Crown.

REGISTRATION.—Inspectors-General of Registration.

POLICE.—District Superintendents and officers of higher rank.

MARINE.—Master Attendants, Deputy and Assistant Master Attendants.

EDUCATION.—Officers on the graded list.

MEDICAL.—Uncovenanted Medical Officers graded in the Notification of the Financial Department, No. 2295, dated 25th April 1867.

POLITICAL.—Assistant Political Agents.

PUBLIC WORKS.—Assistant Engineers of the 3rd grade and officers of higher rank. Assistant Controllers of Accounts and officers of higher rank.

Appendix.—Form A.

APPENDIX.

FORMS FOR LAST-PAY CERTIFICATE.

[In filling up these forms :—

(1.) Allowances should be stated in rupees a month, and not in pounds a year, and in entering "the rate of absentee allowance," it should be stated, in the first place, without reference to the maximum or minimum applicable, and then if a maximum or minimum applies, or if the allowance is such that a future change in the official rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of, &c."

(2.) In Forms A, B, C, and D, the presidency to which an officer belongs should be stated in the title, and the presidency or province in which he is employed should be stated under the first heading.

(3). In the heading "source from which, &c.," the term "Indian Revenues" should be used in all certificates intended to be sent to England, as the term "Imperial Revenues" has there a different signification. If the allowance is not chargeable finally to the Government of India, the Local Administration or Fund from which it is recoverable must be expressly stated].

FORM A.

LAST-PAY CERTIFICATE OF *(title and name)* OF THE *(Corps or Service)* PROCEEDING ON *(nature and period of leave)* TO *(place)*.

1.	Government under which employed ...	1.
2.	Substantive appointment	2.
3.	Acting appointment, if any ...	3.
4.	Period of leave	4.
5.	Date of commencement of leave ...	5.
6.	Rate of absentee allowance and place of payment.	6.
7.	Date from which first payment is to be made.	7.
8.	Amount, if any, paid in advance ...	8.
9.	Source from which absentee allowance is payable.	9.
10.	Period for, and terms on, which leave may be extended or commuted.	10.

(Place) the (date).

(SIGNATURE)
Accountant-General.

NOTE—In the case of officers on other than privilege leave embarking for Europe at Calcutta, the entry in the 5th and 7th spaces should be—"The date of the pilot quitting the vessel as certified below;" and the certificate below should be in the following form :—

"This is to certify that *(title and name)* is a passenger on board the *(name of vessel)* proceeding to *(destination)*, and left by me at sea this day."

(Place) the (date).

(SIGNATURE)
Pilot.

Appendix.—Form B.

FORM B.

(Obverse.)

LAST-PAY CERTIFICATE OF (*title and name*) OF THE (*Corps or Service*) PROCEEDING ON (*nature of leave*) TO EUROPE.

1.	Government under which employed ...	1.
2.	Substantive appointment	2.
3.	Acting appointment, if any .	3.
4.	Period of leave	4.
5.	Date of commencement of leave ...	5.
6.	Rate of absentee allowance and place of payment.	6.
7.	Date from which first payment is to be made.	7.
8.	Amount, if any, paid in advance ...	8.
9.	Source from which absentee allowance is payable.	9.
10.	Period for, and terms on, which leave may be extended or commuted.	10.

(SIGNATURE)

(*Place*) *the* (*date*). *Accountant-General.*

Certified that the above-named officer appeared before me on this date' that he stated his intention of embarking for Europe on the *(name of vessel)* which leaves this port on the *(date)*, that he drew an (or no) advance of salary, and that the 5th, 7th, and 8th spaces in the above certificate have been filled up by me accordingly.

(SIGNATURE)

(Place) the (date). *Accountant-General or Collector.*

(Reverse.)

FROM

THE ACCOUNTANT-GENERAL,

(*Place*),

To

THE ACCOUNTANT-GENERAL (OR COLLECTOR) OF

(Name of port of embarkation).

Dated (*place*) *the* (*date*).

SIR,

I HAVE the honor to request that when (*title and name of absentee*) produces this letter, you will pay him at the rate of ——— per month from the (*date of departure from Accountant-General's station*) to the day not later than the (*date of expiry of subsidiary or preparatory leave*) preceding his departure from *(name of port of embarkation)*, that you will grant him an advance of ———if required, and will fill up the certificates on the reverse accordingly. The date to be shown in the 5th and 7th spaces of the last-pay certificate is that of *(title and name)* 's departure from (*name of port of embarkation*).

I have, &c.,

(*Place*) *the* (*date*). (SIGNATURE)

Accountant-General,

(*place*)

Appendix.—Form C.

FORM C.

(Obverse.)

LAST-PAY CERTIFICATE, &c. *(as in form B.)*

(Reverse.)

FROM

THE ACCOUNTANT-GENERAL,

(Name of absentee's presidency).

To

THE ACCOUNTANT-GENERAL (OR COLLECTOR) OF

(Name of port of embarkation).

Dated (place) the (date).

SIR,

I HAVE the honor to request that when *(title and name of absentee)* produces this letter, you will pay him at the rate of ——— a month, less the deductions shown in the margin, from the date up to which he last drew salary from the ——— treasury to the date on which he may make over charge of the office of ——— as shown below, and at the rate of ——— a month for the period not exceeding *(maximum of subsidiary or preparatory leave)* from the date on which he may make over charge of that office to the day preceding his departure from *(name of port of embarkation)*, that you will grant him an advance of ——— if required, and fill up accordingly the certificates on the reverse. The date to be shown in the 5th and 7th spaces of the last pay certificate is that of *(title and name of absentee)*'s departure from *(name of port of embarkation)*.

Rs. A. P.

I have, &c.,

(SIGNATURE)

Accountant-General.

(Title and name of absentee) received his salary from the ——— treasury at the rate of ———, less the deductions shown in the margin up to the ———, and to no later date. He made over charge of the office of ——— on the fore (*or* after) noon of the ———

(Place) the (date).

Collector of ———

Appendix.—Form D.

FORM D.

(Obverse.)

LAST-PAY CERTIFICATE OF (*title and name*) OF THE (*Corps or Service*) PROCEEDING ON (*nature of leave*) TO EUROPE.

1.	Government under which employed ...	1.
2.	Substantive appointment	2.
3.	Acting appointment, if any ...	3.
4.	Period of leave	4.
5.	Date of commencement of leave ...	5.
6.	Rate of absentee allowance ...	6.
7.	Place of payment	7.
8.	Date from which first payment is to be made.	8.
9.	Amount, if any, paid in advance ...	9.
10.	Source from which absentee allowance is payable.	10.
11.	Period for, and terms on, which leave may be extended or commuted.	11.

NOTE.—*(Title and name)*'s pay and acting allowance for the three years preceding (or for the period from the ——— to) this date, exclusive of periods of absence on other than privilege leave, were—

		R.	A.	P.
Rs.	a month from the (*date*) to the (*date*) ...	0	0	0
Rs.	a month from the (*date*) to the (*date*) ...	0	0	0
	Total ...	0	0	0

The rate of absentee allowance admissible to him is half his monthly average pay and acting allowance for the three years preceding (or for the period from the ——— to) the date on which he may make over charge of his office, exclusive of periods of absence on other than privilege leave, provided that the allowance does not exceed ——— * or fall short of———— .

* These figures to be entered in accordance with the rules of the service to which the officer belongs.

(*Place*) *the* (*date*). (SIGNATURE)
Accountant-General.

Certified that the above-named officer appeared before me on this date; that he stated his intention of embarking for Europe on the (*name of vessel*) which leaves this port on the (*date*); that he drew an (or no) advance of salary; and that the 5th, 8th, and 9th spaces in the above certificate have been filled up by me accordingly.

(*Place*) *the* (*date*). (SIGNATURE)
Accountant-General or Collector.

Appendix.—Forms E, F, G, H, K, L.

(Reverse.)

FROM

THE ACCOUNTANT GENERAL,

(Name of absentee's presidency),

To

THE ACCOUNTANT GENERAL (OR COLLECTOR) OF

(Name of port of embarkation),

Dated (place) the (date).

SIR,

I HAVE the honor to request that when *(title and name of absentee)* produces this letter, you will pay him at the rate of ——— a month, less the deduction shown in the margin, from the date up to which he last drew salary from the ——— treasury to the date on which he may make over charge of the office of ——— as shown below, and at the rate of half his monthly average pay and acting allowance as shown below for the period not exceeding *(maximum of subsidiary or prepartory leave)* from the date on which he may make over charge of that office to the day preceding his departure from *(name of port of embarkation)*; that you will grant him an advance of ———, if required, and fill up accordingly the certificates on the reverse. The date to be shown in the 5th and 7th spaces of the last-pay certificate is that of *(title and name of absentee)*'s departure from *(name of port of embarkation)*.

Rs.	A.	P.
———		
———		

I have, &c.,

(SIGNATURE)

(Title and name of absentee) received his salary from the ——— treasury, at the rate of ———, less the deduction shown in the margin up to the ——— and to no later date. He made over charge of the office of ——— on the fore (*or* after) noon of the ———. His average monthly pay and acting allowance for the three years preceding (or for the period from the ——— to) the date on which he made over charge of his office is Rs. ———, and the 6th space in the certificate on the face of this form has been filled up accordingly.

(Place) the (date).

Collector of
Accountant-General.

FORMS E, F, G, H, K, L.

These forms are not reprinted; they will be found in the *Gazette of India*, as follows:

Form	E	is the same as Form	C	Printed with Resolution No. 409, dated 7th May 1869, in *Gazette of India*, 15th May 1869, pages 959 and 960.
,,	F	,, ,,	D	
,,	G	,, ,,	F	
,,	H	,, ,,	G	
,,	K	,, ,,	B	Printed with Resolution No. 3904, dated 11th October 1869, in *Gazette of India*, 23rd October 1869, page 406.
,,	L	,, ,,	C	

Appendix.—Form M.

FORM M.

Last-pay certificate of (*title and name*) of the (*corps or service*) proceeding to (*place*) to join the appointment of ——— *or* to officiate as ——— *or* on duty.

——————— has drawn pay as ———————, at the rate of ——————— a month, and acting allowance as———————, at the rate of ———————a month, less the deductions shown below, up to the (*date*). He made over charge of the office of ——————— on the fore (*or* after) noon of the ———————.

Deductions.		Rs.	A.	P.
———————	...	0	0	0
———————	...	0	0	0
———————	...	0	0	0
		0	0	0

Supplements A, B & C. Lieutenant-Governor's. Members of Council, Judges of High Courts and certain Legal and Judicial Officers.

SUPPLEMENT A.

LIEUTENANT-GOVERNORS.

Leave on medical certificate for not more than six months may be granted to a Lieutenant-Governor. A Lieutenant-Governor is not entitled to any other leave.

SUPPLEMENT B.

MEMBERS OF COUNCIL.

The leave admissible to an Ordinary Member of the Executive Council of the Governor General, or of the Governor of Madras or Bombay, is regulated by Act of Parliament, Section 26 of 24 and 25 Vic., cap. 67.

Section 26.—It shall be lawful for the Governor General in Council, or Governor in Council of either of the presidencies, as the case may be, to grant to an Ordinary Member of Council leave of absence, under medical certificate, for a period not exceeding six months, and such member, during his absence, shall retain his office, and shall, on his return and resumption of his duties, receive half his salary for the period of such absence; but, if his absence shall exceed six months, his office shall be vacated.

SUPPLEMENT C.

JUDGES OF HIGH COURTS AND CERTAIN LEGAL AND JUDICIAL OFFICERS.

Regulations by the Secretary of State in Council of India under the provisions of 24 *&* 25 *Victoria, cap.* 104, *section* 6, *respecting the furloughs* * * * *of the Chief Justices and Puisne Judges of the High Courts of Judicature for the Bengal Division of the Presidency of Fort William, Madras, Bombay, and the North-Western Provinces; and regulations by the Secretary of State in Council respecting the furloughs and leaves of absence of certain other Legal and Judicial Officers.*

* * * * *

Definitions.

I.—In the following rules, "actual service" includes the period during which a Judge is carrying on his duties in a High Court, also periods spent on privilege and subsidiary leave, and periods of vacation during which the Judge is not on "furlough or extraordinary leave."

"Extraordinary leave" means any leave granted otherwise than under these rules.

Supplement C. Judges of High Courts, and certain Legal and Judicial Officers.

Furlough.

II.—One year's furlough shall be placed to the credit of each Judge after the completion of every four years of actual service.

III.—Except under Rules VI and VII, no furlough shall be granted until at credit under Rule II.

Provided that any Judge who may have been already in the service of the Government at the time of taking office in the High Court, and who was at that time entitled, under the rules applicable to the branch of the service to which he belonged, to furlough, without medical certificate, may be granted furlough for a term not exceeding that to which he was so entitled upon the condition that such furlough shall not be taken until the completion of two years' actual service in the High Court, and shall not exceed one year.

IV.—Except under Rule VII, furlough shall not be repeated until after the completion of three years' actual service from the date of the last return from furlough or extraordinary leave.

N. B.—The words "furlough or extraordinary leave" inthe above rule mean furlough under these rules or extraordinary leave granted to an officer since he has been a Chief Justice or Judge of a High Court.

V.—The maximum term of furlough to be taken at any one time shall be fifteen months.

VI.—Under medical certificate, furlough may be granted before it is at credit under Rule II.

VII.—On urgent private affairs, furlough may be granted before it is at credit under Rule II, and although three years of actual service have not been completed since the last return from furlough or extraordinary leave.

Provided that furlough under this section shall not exceed six months, and shall be granted only once during the whole period of a Judge's service in the High Court.

VIII.—The aggregate amount of all furlough which can be granted to a Judge during the whole period of his service in the High Court shall not exceed two years and a half.

IX.—Furlough taken in India shall be reckoned from the date of the Judge's quitting his office to the date of

Supplement C. Judges of High Courts, and certain Legal and Judicial Officers.

his return thereto. Furlough taken out of India shall be reckoned from the date of embarkation to the date of return.

In the event of the furlough being taken partly in India, and partly out of India, the commencement and termination of the furlough shall be respectively determined by the above rules, according as the furlough begins or ends in or out of India.

X.—For the interval elapsing between the date of quitting his office and the commencement of furlough out of India, and between the termination of furlough out of India and resuming his office, a Judge may be allowed subsidiary leave not ordinarily exceeding thirty days, which in special cases may be extended.

XI.—A Judge, when on furlough or subsidiary leave, shall receive allowances at the rate of Rs. 833-5-4 per mensem in the case of leave taken in India, or £1,000 per annum in the case of leave taken out of India.

XII.—Except under medical certificate, the number of furloughs to be granted at any one time, and the grant of furloughs to individual Judges shall be subject to, and limited by the exigencies of the service, which exigencies shall be determined exclusively by the authority granting the furlough.

XIII.—If, owing to the exigencies of the service, it may be necessary to place any limit on the number of Judges who may be absent on furlough at the same time, applications not supported by medical certificate will be granted in the following order:

The Judge to whose credit the greatest amount of furlough remains under Rule II, shall have the preference.

If two or more applicants are on an equality in this respect, the preference shall be given to the applicant whose actual service in a High Court is longest, reckoning, in the case of a Judge who has not taken furlough or extraordinary leave, from the date of his commencement of service in the High Court, and, in the case of a Judge who has taken furlough or extraordinary leave, from the date of his last return from such furlough or leave.

If two or more applicants are equal in both respects, the preference shall be given to the senior in the Court.

Supplement C. Judges of High Courts, and certain Legal and Judicial Officers.

Privilege Leave.

XIV.—Subject to the exigencies of the service, a Judge who has completed 11 months' continuous duty, inclusive of vacations, may, if the Government be satisfied that there is an urgent necessity, but not otherwise, be granted privilege leave for one month without deduction from his salary or acting allowances.

XV.—In the same manner and under the same conditions an additional month of privilege leave shall be held to accrue to a Judge after each further period of 11 months' continuous duty.

XVI.—Privilege leave shall not be taken in instalments, but any balance of privilege leave that may not have been taken shall be added to the next privilege leave which may accrue.

Provided that the whole privilege leave taken at any one time shall not exceed three months, and that any accumulation of privilege leave beyond that period shall be forfeited.

N. B.—Financial Resolution of the Government of India, No. 401, dated 24th April 1869, shall not be held to apply to a Chief Justice or Judge of a High Court, even though, under Rule XXIII, he may elect to abide by former rules. Whatever rules such an officer may elect, privilege leave shall not be granted to him except on urgent necessity being shown.

General.

XVII.—Furlough and privilege leave shall not be taken as such in continuation of each other, but if a Judge absent on one of these classes of leave be allowed to change it for another, the whole period of his absence shall be held to be under the class of leave for which it was changed.

XVIII.—Applications for leave shall in all cases be submitted in such manner as the Government may, from time to time, prescribe.

XIX.—Leave allowances shall be payable monthly if payment is taken in India, and quarterly if payment is taken in England.

XX.—No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

XXI.—If a Judge shall overstay any leave, he shall forfeit all salary during the time of his remaining so absent, and if he shall so continue absent for more than one week, his office shall be liable to become vacant.

Supplement C. Judges of High Courts, and certain Legal and Judicial Officers.

XXII.—No leave, except privilege leave and leave subsidiary to furlough, shall count as service for pension.

XXIII.—Each Judge who stood appointed to a High Court on the 7th August 1869, and has taken no leave since then, shall, on the next occasion of his taking leave, be given the option of accepting these rules or abiding by those in force before that date for Judges of the High Courts of Judicature. Any Judge who has taken leave since the 7th August 1869, must abide by the rules he elected when taking that leave.

N. B.—Under the above rule a Covenanted Civil Servant, who stood appointed as Judge of a High Court on the 7th August 1869, may take leave on medical certificate under the rules which were in force before the 1st July 1868, for the grant of such leave to Covenanted Civil Servants generally.

XXIV.—If a Judge, who is a Covenanted Civil Servant, shall be permitted to resign his office and remain in the service, all leave which he may have taken as a Judge of the High Court shall be reckoned as if it had been taken under the rules for the leave of absence of Covenanted Civil Servants.

XXV.—The above rules regarding furlough and leave of absence (I to XXIV) are, with the modifications A and B below stated, applicable also to the following officers :—

Barrister-Judges of the Chief Court of the Punjáb.

Recorders in Burmah.

First Judges of Small Cause Courts at Presidency Towns.

Secretary to the Council of the Governor General for making Laws and Regulations.

Modifications indicated above.

A.—The allowances of these officers while on furlough or subsidiary leave shall not exceed half their salaries, and shall be limited also to the rate prescribed in Rule XI.

B.—The privilege leave of the officer last named shall be regulated by the * * Civil * * Leave Code.

Supplements D & E. To Law Officers. Chaplains.

SUPPLEMENT D.

TO LAW OFFICERS.

Law Officers.

Sick Leave and Short Leave on Private Affairs (now called Privilege Leave) may be granted to Law Officers in accordance with the rules of the 8th June 1855 for the Grant of Leave of Absence to Covenanted Civil Servants. Provided that no additional expense be caused in consequence of the leave.

SUPPLEMENT E.

CHAPLAINS.

PRELIMINARY.

Chaplains.

Section **1**.—The following rules regulate the grant of leave to Chaplains.

Section **2**.—In these rules—

Active service.

(*a*) "Active service" includes besides time spent on duty—

(1). Privilege leave of absence.

(2). Subsidiary leave of absence.

(3). Time passed in India out of employ, but not on leave.

Extraordinary leave.

(*b*) "Extraordinary leave" means leave of absence granted otherwise than under these rules.

Example.—Leave in extension of the three years admissible under Section 5 (*b*).

Continuous.

(*c*) "Continuous service" and "continuous active service" mean the service and active service of a Chaplain since his last return from furlough or extraordinary leave lasting more than three months; or, if he have not had such leave, since the beginning of his active service.

No leave can be included in continuous service except privilege leave and special leave.

FURLOUGH.

Aggregate admissible.

Section **3**.—The amount of furlough admissible to a Chaplain is limited to six years. All the rules in this Supplement are subject to this limitation.

Supplement E. Chaplains.

Furlough and leave with allowances on medical certificate under former rules are counted as furlough under this rule; but leave of absence in India taken before the 25th August 1854 is not.

Amount due.

Section **4** (*a*).—The amount of furlough "earned" by a Chaplain is one-fourth of his active service, and three months in addition thereto.

(*b*).—The amount of furlough "due" to a Chaplain is the amount which he has earned, diminished by—

(1) the amount of furlough which he has enjoyed under these or any former rules;

(2) the excess over one year in the amount of leave with allowances on medical certificate which he has enjoyed under former rules.

Amount admissible

Section **5**. (*a*).—To a Chaplain who has rendered three years' continuous service, furlough for not more than two years may be granted as follows:—

First, on medical certificate,—unconditionally;

1. Section 25 of the Code, Rule 2, applies generally to Chaplains also.

Secondly, without medical certificate,—subject to these provisoes—

(1) that the furlough be due to him;

(2) that he have rendered seven years' active service;

(3) that the whole number of Chaplains absent on furlough and special leave do not exceed the limit appointed by the Government of India.

1. Except on medical certificate, or on very urgent private affairs, furlough or special leave may not be granted to Church of England Chaplains employed in the diocese of Calcutta, if 15 per cent. of the whole number of such Chaplains are already absent on furlough or special leave. The Bishop of Calcutta will report to the Government of India when the limit is reached.

(*b*).—Furlough taken under this section may, on medical certificate, be extended to not more than three years.

Supplement E. Chaplains.

Section 6 (*a*).—To a Chaplain who has not rendered three years' continuous service, furlough for not more than one year may be granted on medical certificate.

(*b*).—Furlough granted under this section for less than one year may, on medical certificate, be extended to not more than one year.

Allowances.

Section 7.—A Chaplain on furlough is entitled to allowances as follows:—

	On ordinary furlough.	On other furlough.
Archdeacon, and the Senior Chaplain of the Church of Scotland	£600 a year	£480 a year.
Senior Chaplains ...	...£500 „	£384 „
Junior Chaplains ...	...£350 „	£300 „

Explanation.—Ordinary furlough includes—

(1) the first two years of each separate period of furlough under Section 5;

(2) so much of furlough under Section 6 as may be due, provided that the Chaplain have rendered six months' continuous active service.

1. If a Chaplain on furlough, by the completion of ten years' service, passes from the rank of Junior Chaplain into that of Senior, he immediately becomes entitled to the higher furlough allowance.

2. A Chaplain on furlough does not forfeit his past leave allowance by resigning the service, without returning to India.

SPECIAL LEAVE OF ABSENCE.

Amount admissible.

Section 8.—Special leave on urgent private affairs may be granted at any time, for not more than six months:

Provided that a Chaplain, who has had special leave, must render six years' active service before he can again have such leave.

Allowances.

Section 9 (*a*).—For the first period of a Chaplain's special leave, he is entitled to the leave allowance admissible during ordinary furlough.

(*b*).—In subsequent periods he is entitled to on leave allowance.

Supplement E. Chaplains.

Supplement E. Chaplains.

SUBSIDIARY LEAVE OF ABSENCE.

Amount admissible.

Section **10** (*a*).—Furlough and special leave, out of India, begin on, and include, the date of the departure of the vessel on which the Chaplain sails; and to a Chaplain taking such leave, subsidiary leave, not ordinarily exceeding thirty days, may be granted from the day on which he gives up duty to the day before that on which his furlough or special leave begins.

(*b*).—Furlough and special leave, out of India, end on, and include, the date of the arrival of the vessel in which the Chaplain is; and to a Chaplain returning from such leave, subsidiary leave not ordinarily exceeding thirty days may be granted from the day after that on which the vessel arrives, to the day before that which he assumes the duty to which he may be appointed.

1. Subsidiary leave for more than thirty days may be granted in cases of necessity; but all such grants and the reasons for them are to be reported to the Government of India.

2. A Chaplain may leave India, or return to India, by any port he likes; but the dates by which the beginning and end of furlough and special leave are determined, are the date of the vessel's departure from the port where he first meets it, and arrival at the port where he quits it. For instance: a Chaplain sailing from Calcutta in a vessel which touches at Madras, counts by the date of departure from Calcutta, and not from Madras.

3. The date of the departure of a vessel from Calcutta is held to be the date on which the pilot leaves it at sea.

Explanation.—A Chaplain may take furlough or special leave partly in, and partly out of, India. But subsidiary leave is not admissible under clause (*a*) of this section unless the furlough or special leave begins as furlough or special leave out of India; nor under clause (*b*), unless it ends as furlough or special leave out of India.

Allowances.

Section **11.**—A Chaplain on subsidiary leave is entitled to the same allowances as during the leave to which it is subsidiary.

1. A Chaplain may draw allowances as if he were on privilege leave, for any part of his subsidiary leave under clause (*a*) of Section 11, for which, if he were not going on furlough or on special leave, privilege leave would be admissible to him.

Sections 10—11.

Supplement E. Chaplains.

PRIVILEGE LEAVE OF ABSENCE.

Amount admissible.

Section **12.** Privilege leave may be granted as follows:—

After five months' uninterrupted duty,—for not more than one month.

After ten months' uninterrupted duty,—for not more than two months.

3. The date of the departure of a vessel from Calcutta is held to be the date on which the pilot leaves it at sea.

After fifteen months' uninterrupted duty,—for not more than three months.

1. Before privilege leave can be granted, the Chaplain must record a declaration that he has no intention of retiring or of taking furlough, special leave, or leave on medical certificate, within three months of his return to duty. Though not absolutely debarred by this declaration from applying to retire or to take such leave within the period of three months, he should, if he does so, explain fully his change of mind.

Allowances.

Section **13.**—A Chaplain on privilege leave is entitled to the same pay and house rent as if he were on duty.

1. A Chaplain on privilege leave is not entitled to "local allowances," such as conveyance allowance, jail allowance, and the special allowance to the Senior Chaplain of the Church of Scotland. Such allowances are drawn in full by the substitute.

2. The Chaplain's substitute may draw the house-rent, although it is also drawn by the absentee.

MISCELLANEOUS.

Extension, &c

Section **14.**—The rules for—

(1) Extension and commutation of leave;

(2) Payment of leave allowances;

are those contained in Sections 22 and 23 of the Code, and the rulings subjoined. But to a Chaplain going on furlough to England, an advance of the first quarter's allowances may be made, and the advance shall not be recoverable in the event of his death.

1. A Chaplain on leave in any of the British Colonies may draw his leave allowances there through the Control Pay Master in the same manner as a military officer. But the requisite authority to pay must first be given by the Government of India.

Supplement E.—Chaplains.

Section **15.**—Applications for leave are to be dealt with as the Governor General in Council may from time to time prescribe; and priority of claim is determined in accordance with Section 26 of the Code.

1. The following rules have been prescribed by the Home Department with reference to applications for leave from Chaplains on the Bengal ecclesiastical establishment, and from Chaplains on other establishments serving in the Diocese of Calcutta :—

I.—Subject to the exigencies of the public service, Local Governments and Chief Commissioners are empowered, with the concurrence of the Bishop of Calcutta, to grant any furlough or special leave authorized by the rules to Chaplains serving within their respective jurisdictions. But the Government of India alone grants leave to Chaplains of the Church of Scotland serving in the Bengal Presidency.

II.—If a Chaplain applying for furlough or special leave belong to the Madras or Bombay ecclesiastical establishment, the Local Government or Administration under which he is serving will, if the furlough or leave be granted, inform the Government of Madras or Bombay as the case may be.

III.—The Bishop of Calcutta is empowered to grant privilege leave to Chaplains under Section 12, subject to the exigencies of the State, of which the Bishop shall be the judge. But the grant, cancelment, or extension of such leave should be reported to the Local Government or Administration concerned.

IV.—All applications for leave or furlough should be accompanied by a certificate from the Local Accountant General, showing that the applicant is entitled to the leave asked for, and should, as a general rule, be forwarded, in the first instance, through the proper channel to the Bishop of Calcutta, who will transmit applications for furlough or special leave, with His Lordship's remarks, to the Local Government or Administration concerned, and will himself dispose of applications for privilege leave. But in cases of urgency, leave on medical certificate may be granted by the Local Government or Chief Commissioner in anticipation of the concurrence of the Bishop, who should, however, be informed without delay.

V.—Except under orders of the Secretary of State, the term of furlough or special leave cannot be altered without the permission of the Government or Administration by which it may have been granted.

Supplement F.—Uncovenanted Officers generally.

VI.—Every Chaplain who obtains leave or furlough shal supply himself with a last-pay certificate, and with a statement showing the pay which he is entitled to draw while absent. It shall be the duty of the Local Accountant General to furnish these documents, and no leave allowances will be payable without their production.

VII.—A quarterly statement of Chaplains absent on furlough or special leave, with the dates of the grant and expiry of such furlough or leave brought up to the 31st March, 30th June, 30th September, and 31st December of each year, shall be punctually furnished by Local Governments and Administrations to the Government of India in the Home Department.

VIII.—From these quarterly returns, a register will be compiled and kept at the Office of the Secretary to the Government of India in the Home Department, of all grants to Chaplains on leave or furlough, of all extensions of leave or furlough, and of all returns to duty from absence. This register will be published quarterly in the *Gazette of India*.

IX.—Every Chaplain returning to duty shall report his return to the Bishop, and to the Local Government and Administration by which his leave or furlough may have been granted.

X.—If any Local Government or Administration shall see fit to refuse a furlough to any Chaplain on the ground of the exigencies of the public service, it shall report such refusal for the confirmation of the Government of India.

SUPPLEMENT F.

UNCOVENANTED OFFICERS GENERALLY.

[Such of the rules under the Sections of the Code as are not expressly restricted to Covenanted Civil Servants, or are not explanatory of points in which the provisions of the Code differ from those in this Supplement, apply also to Uncovenanted officers generally.]

PRELIMINARY.

Application of the Rules.

Section 1.—Leave of absence from duty may be granted under the following rules to officers who have substantive appointments on permanent establishments under the Government, and who are not entitled to leave under any of the other rules in this Code or its Supplements. The rules apply fully only to those whose pay is not less than Rs. 100 a month, but may be applied, in their general spirit, to officers whose pay is less than Rs. 100 a month.

Supplement F.—Uncovenanted Officers generally.

Supplement F.—Uncovenanted Officers generally.

1. Officers and men of the Army, and officers in the Subordinate Medical Department, are under Military rules, and these rules do not apply to them. The leave of members of the Pilot Service is also governed by special rules.

2. Officers appointed as probationers for a certain period prior to formal appointment, are entitled to the same leave as if they held substantive appointments.

3. Officers holding temporary or officiating appointments only, are not entitled to leave of any kind; but a limited amount of leave may be allowed to such officers under the conditions hereinafter stated.

4. Service in a capacity to which the leave rules do not apply does not qualify for leave under them, in the event of the officer afterwards coming under them. Service under a Local Fund of the kind mentioned in Civil Pension Code, Section 28, may qualify for leave under the rules, but the allowances given during such leave must be disbursed from the Local Fund and from general revenues in the proportion in which the salary has been paid from these sources during the period qualifying for the leave.

Pay, and salary. *Section* **2.**—In these rules, "pay" means substantive pay; "salary" means the sum of pay and acting allowance.

1. Personal allowance is to be taken as part of an officer's substantive pay.

Average salary "Average salary" means the average calculated for so much of the three years immediately preceding the day on which the officer gives up office, as he has passed on duty, or on privilege leave. But in all cases of leave for not more than one month, and also whenever the officer's pay is less than Rs. 100 a month, the pay of the officer's appointment at the time he gives up office is to be taken in lieu of his "average salary."

"Half average salary" is always subject to a maximum of Rs. 500 a month if paid in India, and £150 a quarter if paid at the Home Treasury of the Government of India.

"One quarter average salary" is always subject to a maximum of Rs. 400 a month if paid in India, and £120 a quarter if paid at the Home Treasury.

LEAVE ON MEDICAL CERTIFICATE.

Amount *Section* **3.**—Leave on medical certificate may be granted, whenever sufficient cause is shown, for

Supplement F.—Uncovenanted Officers generally.

three years in all, but not for more than two years at one time; and no officer can have leave on medical certificate beyond India more than twice.

1. An officer who has a temporary or officiating appointment only may be allowed leave under this Section for not more than three months, if the Local Government consider no substitute to be necessary, or can provide for his duties without additional expense.

Allowances. *Section* 4.—An officer on leave under Section 3 is entitled to half of his average salary for the first fifteen months of each period of absence, but not for more than thirty months in all.

For the rest of the leave he is entitled to a quarter of his average salary.

LEAVE ON PRIVATE AFFAIRS.

Amount. *Section* 5.—Leave on private affairs for six months at a time may be granted to an officer who has not had furlough. The first leave under this section may be taken after six years' service, and the leave may be repeated after intervals of six years.

1. Leave on private affairs does not accumulate, nor can it be taken in instalments.

Allowances. *Section* 6.—An officer on leave under Section 5 is entitled to half of his average salary.

1. An officer does not forfeit the allowance to which he is entitled under this section, by resigning the service at the end of the leave.

FURLOUGH.

Amount. *Section* 7.—Furlough may be granted, as follows, to an officer who has not had leave on private affairs:—

After ten years' service, one year; and after eighteen years' service, another year; or in one period of two years, after eighteen years' service.

1. Leave on medical certificate counts as service for furlough.

2. Leave on private affairs under the rules in force before the 8th June 1863, does not prevent the grant of furlough under this section.

Allowances. *Section* 8.—An officer on furlough is entitled to half of his average salary.

Supplement F.—Uncovenanted Officers generally.

LEAVE WITHOUT ALLOWANCES.

Amount. *Section* **9.**—Leave without allowances may, in cases of necessity, be granted for such time as may be necessary. Time spent on leave under this section does not count as service for other leave.

1. There is no limit to the length or frequency of leave under this section, and it may be granted in continuation of leave on medical certificate, or furlough.

SUBSIDIARY LEAVE.

Amount. *Section* **10.**—Leave subsidiary to leave on medical certificate, leave on private affairs, or furlough, when taken out of India, may be allowed as prescribed in Section 15 of the Code for such time as may be sufficient. Fourteen days only are allowed to an officer at a presidency town, who takes leave on medical certificate out of India. Subsidiary leave may also be granted to an officer going on, or returning from, leave on medical certificate to a sanitarium in India.

Allowances. *Section* **11.**—An officer on subsidiary leave prefixed to other leave, is entitled to half his average salary. An officer on subsidiary leave following other leave, is entitled to half his average salary, or one quarter of his average salary, according to the rate of allowance to which he may be entitled at the end of the leave to which it is subsidiary.

1. But see Code, Section 15 (*b*), Rule 1, and Section 17, Rule 1.

PRIVILEGE LEAVE.

Section **12.**—Privilege leave may be granted in accordance with the rules in Chapter VI of the Code: provided that no officer whose salary is less than Rs. 200 a month can draw any allowances for privilege leave until he returns to duty.

1. An officer who has only a temporary or officiating appointment only, may be allowed privilege leave, if the Local Government consider no substitute to be necessary, or can provide for his duties without additional expense.

2. Ministerial officers of High Court are not allowed privilege leave, if they are allowed to be absent during the High Court vacation.

Supplement F.—Uncovenanted Officers generally.

Supplement F.—Uncovenanted Officers generally.

GENERAL.

Accumulation of leave.

Section **13**.—Leave on private affairs and furlough cannot be taken in continuation of any other leave except subsidiary leave; but any leave may be retrospectively changed for any other kind or amount of leave which might at first have been granted; and if an officer absent on privilege leave, or on leave on private affairs, take extension of leave on medical certificate, the whole of the absence will be treated as leave on medical certificate.

Lien on appointment.

Section **14**.—No officer's appointment becomes vacant, simply by reason of his taking leave under these rules. But absence without leave, or after the end of leave (except privilege leave, in which case a week's grace is allowed) involves loss of appointment; and after five years' continuous absence, whether with or without leave, an officer is considered to be out of Government employ.

1. The Secretary of State, in granting to officers extension of leave, sometimes declines to guarantee retention of appointment, if there is no time to communicate with the Local Government in India.

2. An officer who goes on leave out of India has no claim to return to the *particular* local appointment from which he took leave.

APPLICATIONS FOR LEAVE.

Applications for leave.

Section **15** (*a*).—Leave may be granted to an officer by the authority whose duty it would be to fill up his appointment if vacant. The Local Government may empower heads of departments to grant privilege leave to officers under their orders, who are appointed by Government; but if the officer, to whom leave is granted, be a gazetted officer, the grant of leave must be reported to the Local Government.

Monthly Return.

(*b*).—A monthly return of non-gazetted officers absent on leave should be prepared in the following form, and should accompany each establishment pay bill :—

1, Absentee's name; 2, his appointment; 3, pay of his appointment; 4, nature of the leave, and section under which granted; 5, period of leave; 6, excess of pay over leave

Supplement F.—Uncovenanted Officers generally.

allowance; 7, name of substitute (if any); 8, acting allowances consequent on the leave; 9, excess of column 6 over column 8, showing the amount to be deducted from the establishment pay bill; 10, remarks.

Medical Certificate.

1 (*a*).—Applications for leave, or extension or commutation of leave, on medical certificate, must be accompanied by a statement from the applicant's medical attendant, distinctly stating from personal observation the nature of the illness, its symptoms, causes, and duration.

(*b*).—A certificate must also be submitted from the chief medical officer of the station or district, or, if the officer is at the presidency, from a Presidency Surgeon, to the effect that, after careful personal investigation he considers a certain period of absence absolutely requisite for the restoration of health.

(*c*).—If the leave be for more than six months, the papers must be submitted for countersignature by the Deputy Inspector General; and if the leave is to be taken out of India, by the Principal Inspector General also, unless danger be incurred by the delay.

(*d*).—If the applicant be already on leave out of India, the certificate under clause (*a*) must state the period during which the Surgeon or Physician has attended the officer, and it must be countersigned, after *personal* examination, by the Medical Board of the India Office, or by the principal medical authority of the colony or country where the absentee may be.

(*e*).—The forms of certificate prescribed in the Code, Section 25, Rule 2, may be used as far as applicable.

Section 15.

O. S. G. P.—No. 278—24-4-72—1,000

ACTING ALLOWANCE CODE.

BEING

NOTIFICATION OF THE GOVT. OF INDIA, FINANCIAL DEPT., NO. 2009, DATED 14TH MARCH 1872.

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NOTIFICATION.

LEAVE AND ALLOWANCES.

Fort William, the 14th March 1872.

The Governor General in Council is pleased to direct the republication of the Acting Allowance Code, with corrections up to date, and a few alterations in arrangement.

R. B. CHAPMAN,
Secretary to the Government of India.

ACTING ALLOWANCE CODE.

Acting Allowance Code

ACTING ALLOWANCE CODE.

ARRANGEMENT OF CHAPTERS.

I.—Definitions and Explanations.
II.—General Rules.
III.—The Covenanted Civil Service.
IV.—Military Officers in Civil Employ.
V.—The Public Works Department.
VI.—The Survey Department.
VII.—Other Officers.
VIII.—Plural Appointments.
IX.—Appointments on Progressive Pay.
X.—Exceptional Cases.

CHAPTER I.

Definitions and Explanations.

Section **1**.—In the following Rules:—

Local Government

(*a*). "Local Government" includes a Department of the Government of India, a Chief Commissioner, and the Resident at Hydarabad.

Class and grade.

(*b*). Appointments are said to be in the same "class" when they are in the same Department and bear the same designation, or have been declared by the Government of India to be in the same class. Appointments in the same class are sometimes divided into "grades" according to pay.

Absentee.

(*c*). An "absentee" is an officer absent, whether on leave or on duty, from an appointment on which he has a lien.

(*d*). Except in Chapter IX, the words "the appointment" mean "the appointment in which an officer is officiating for an absentee."

Pay and Salary.

Section **2** (*a*).—The "pay" of an *officer* is as follows:—

(1.) In the case of an officer with a substantive appointment: the amount which he would receive monthly under any of the following designations if he were doing the work of his substantive appointment:

Substantive pay,
Consolidated pay,
Military pay and allowances, and staff salary.
Staff corps pay and staff salary.

Sections 1—2.

(2.) In the case of an officer without a substantive appointment: his subsistence allowance (if a Covenanted Civil Servant), and his military pay and allowances, or staff corps pay (if a military officer).

(*b*).—The "pay" of an *appointment* with reference to any officer, is the pay which he would receive if he held that appointment substantively.

For instance: if the pay of the appointment is subject to increase upon the passing of an examination or upon the completion of a certain period of service, the officiating officer's allowances are calculated upon the pay which he would from time to time receive, if he held the appointment substantively.

(*c*).—"Salary" is the sum of "pay" and "acting allowance;" it does not include personal allowances, travelling allowances, or the like.

(*d*).—"Progressive Pay" is pay which rises from a minimum to a maximum.

(*e*).—"Consolidated Pay" includes military pay and allowances or staff corps pay, which cannot be separately drawn.

(*f*).—"Staff Salary" is an allowance to a military officer in addition to the military pay and allowances or the staff corps pay of his rank.

CHAPTER II.

General Rules.

Maximum and Minimum.

Section **3** (*a*).—The maximum salary of an officiating officer shall be the pay of the appointment.

(*b*).—The minimum salary of an officiating officer shall be half the pay of the appointment.

Seconding.

Section **4**.—If an absentee draws no part of the pay of his appointment, another officer may be appointed thereto substantively, for a time only, on full pay, without disturbing the lien of the absentee.

1.—An absentee who receives leave allowances draws' within the meaning of this section, "part of the pay of his appointment."

CHAPTER III.

THE COVENANTED CIVIL SERVICE.

Officers with substantive appointments.

Section **5** *(a)*.—An officer with a substantive appointment, officiating in another appointment or in a higher grade, is entitled to an acting allowance of one-fifth of the pay of the appointment or grade.

(b).—But the acting allowance shall not be less than two-thirds of the difference between the pay (or, in the case of a progressive pay, the minimum pay) of the appointment or grade and the pay of the officiating officer.

(c).—Nor shall it be less than Rs. 200.

1. In the case of an acting appointment made with effect from before 1st November 1869, or of a reversion to an acting appointment held before the date, the officer is entitled, in addition, to one-tenth of the first Rs. 2,000 of the pay of the appointment or grade.

[NOTE.—"Reversion" means a return to an appointment under the operation of the rules, and without formal re-appointment.]

Settlement Officers.

2. In the North-Western Provinces, when a settlement officer officiates in an appointment in another Department, his salary shall be calculated as if his pay were the pay of the ordinary grade next below the standing which he occupies in the Settlement Department.

Explanation.—An officer officiating in a class divided into grades will officiate in the lowest grade, unless it be otherwise specially ordered.

[*Illustration.*—A is Magistrate in the first grade of Nuddea. B is Magistrate of Midnapore, the senior in the second grade. C is a Joint Magistrate. If A takes leave, then, in ordinary course of promotion, B would obtain officiating promotion to the first grade without leaving Midnapore, and C appointed to officiate as Magistrate of Nuddea would officiate in the second grade.]

Officers without substantive appointments.

Section **6** (*a*).—An officer without substantive appointment is entitled to an acting allowance of half the pay of any appointment in which he officiates, and to subsistence allowance.

1. For rates of subsistence allowance, see Civil Leave Code, Section 11, Rule 1.

(*b*). But an officer who on the 1st July 1868 was absent on leave, without a substantive appointment, or had returned from furlough and had not obtained a substantive appointment, is entitled, till he again holds a substantive appointment with pay not less than that of the substantive appointment which he last held, to an acting allowance of three-quarters, instead of half, of the pay of any appointment in which he officiates.

1. No officer who did not return from furlough before the 23rd November 1869, may, under this clause, draw more salary than he would draw if the substantive appointment which he last held were restored to him.

2. An officer may decline the special acting allowance provided in clause (*b*) of this section, and take the ordinary acting allowance under clause (*a*). In this case, the limitation prescribed by the preceding rule will not operate.

3. If an officer who draws acting allowance under clause (*b*) of this section takes furlough, the clause will continue to apply to him on his return from that furlough, unless the circumstances are such that if he had had a substantive appointment, he would have lost it by the operation of the rules.

4. An officer drawing allowances under clause (*b*) of this section should be appointed to the first appointment (not being a special one) suitable to his rank and qualifications which may become substantively vacant. If its pay is less than that of the substantive appointment which he last held, he should be promoted as substantive vacancies occur, until his pay is equal to that of the substantive appointment which he last held. Until he regains this position, he may draw, unless the local Government declare him unfit to be restored to his former rank, such personal allowance as will raise his salary to the amount which he would draw under this clause and the rules explanatory of it.

CHAPTER IV.

MILITARY OFFICERS IN CIVIL EMPLOY (NOT BEING IN THE PUBLIC WORKS, THE SURVEY, THE TELEGRAPH, OR THE FOREST DEPARTMENT).

Specification of cases.

Section **7**.—The cases which may occur are these:—

(*A*). An officer officiating in an appointment of which the pay is consolidated may be—

Case 1.—An officer without a substantive appointment.

Case 2.—An officer having a substantive appointment the pay of which is consolidated.

Case 3.—An officer having a substantive appointment the pay of which is a staff salary.

(*B*). An officer officiating in an appointment of which the pay is a staff salary may be—

Case 4.—An officer without a substantive appointment.

Case 5.—An officer having a substantive appointment the pay of which is consolidated.

Case 6.—An officer having a substantive appointment the pay of which is a staff salary.

1. An appointment of which the pay is fixed with reference to its being held by a civil officer, Covenanted or Uncovenanted, is treated, for the purposes of this section, as if the pay of it were "consolidated."

Appointments on consolidated pay.

Section **8**.—In case 1 the officer is entitled to his pay and to such acting allowance as will make the total equal to the sum of the assumed subsistence allowance stated below, *plus* half the pay of the appointment:—

Assumed Subsistence Allowance.

	Rs.
For the rank of Captain or Subaltern ...	250 a month.
For the rank of Major	320 „
For higher ranks	400 „

Appointments on staff salary.

Section **9**.—In cases 2 and 3 the acting allowance is regulated by Section 5.

Section **10** (*a*).—In cases 4, 5, and 6 the salaries are calculated by military rules: any excess of the consolidated pay of the substantive appointment in case 5, over the military pay and allowances or the staff corps pay of the officer, being treated as a staff salary.

Sections 7—10.

(*b*).—The military rules referred to are as follows:—

(1).—For officers who have elected the rules of 1868—

An officiating officer will draw half the staff salary of the appointment and half the staff salary of his substantive appointment, if he have one: provided the whole staff salary thus drawn be not less than Rs. 100 a month.

(2). For officers who have elected the rules of 1854—

An officiating officer will draw half the staff salary of the appointment. After acting for six months, whether continuously or not, in the same post or grade, he is entitled to the full staff salary, as soon as the absentee ceases to draw any part of it.

Medical appointments.

Section **11** (*a*).—A medical appointment, the pay of which was fixed by General Order of the Government of India, Military Department, No. 370, dated the 4th April 1867, is to be treated for the purposes of this Chapter as if the pay thereof were a staff salary equal to the excess, if any, of the consolidated pay over the "unemployed pay" of the permanent incumbent:

(*b*).—Provided that an officer appointed to the Medical Service before 7th November 1864, officiating in one of these appointments, shall receive an aggregate salary not less than his full batta pay.

CHAPTER V.

The Public Works Department.

[Engineer Establishment and Superior Officers of Accounts Branch.]

No officiating in grades.

Section **12** (*a*).—An officer of a class divided into grades cannot officiate in that class in a grade higher than that to which he is substantively appointed.

(*b*).—An officer officiating in a rank which is divided into classes, or in a class divided into grades, will officiate in the lowest class or grade; but this rule does not apply to officers officiating in appointments of which the substantive holders must belong to a particular class.

Officers with substantive appointment

Section **13** (*a*).—An officer with a substantive appointment, officiating in a higher class or in another appointment, is entitled to an acting allowance, in addition to his pay, of one-fifth of the civil pay of the class or appointment in which he officiates.

(*b*.)—A civil officer without a substantive appointment is entitled to an acting allowance of half the civil pay of the class or appointment in which he officiates. A military officer, without an appointment, is entitled to his pay and to such acting allowance as will make the total equal to the sum of the assumed subsistence allowance stated in Section 8, *plus* half the civil pay of the class or appointment in which he officiates.

Explanation.—The civil pay of a graded class is the average civil pay of the grades (calculated without reference to the number of appointments in each grade); but the officiating officer's salary shall not exceed the pay of the lowest grade.

1. The net military pay of an officer of the Royal Engineers is not taken into account in calculating acting allowances. He is entitled to this pay independently of any other allowance.

Section **14**.—In the following cases special allowances are given, on sanction by the Local Government, or, if the appointment be under a Chief Commissioner or an Agent to the Governor General, or under the Resident of Hydarabad, or the Superintendent of Port Blair, by the Government of India:

(*a*).—A subordinate officiating as an Executive Engineer is allowed Rs. 100 a month in addition to his pay, provided that the aggregate does not exceed the pay of an Executive Engineer of the 4th Grade.

Subordinates

(*b*).—A subordinate officiating as an Assistant is allowed Rs. 50 a month in addition to his pay. This allowance is not admissible on the mere circumstance of the subordinate holding a charge formerly held by an Assistant, but only when the charge involves duties and responsibilities which, in character or extent, are such as are not usually imposed on subordinate officers.

(*c*).—An Accountant officiating for a Controller or Deputy Controller is entitled to draw an allowance of Rs. 100 a month in addition to his pay, provided that the aggregate does not exceed the pay of a Deputy Controller.

CHAPTER VI.

The Survey Department.

(Officers not below the rank of Assistant Surveyor in the Survey Department under the Surveyor General of India.)

Survey Department.

Section **15**.—An officer officiating in the grade immediately superior to his own, is entitled to the same allowances as if he were confirmed in that grade.

Section **16**.—An officer officiating in a grade higher than that immediately superior to his own, is entitled to an acting allowance, in addition to his pay, of one-fifth of the civil pay of the grade in which he officiates.

1. Rule 1 under *Section* 5 applies to this section also.

Section **17**.—An officer without a substantive appointment is entitled to an acting allowance, in addition to his pay (if any), of half the civil pay of the grade in which he officiates.

CHAPTER VII.

Other Officers.

Section **18**.—The following are the rules applicable to officers in civil employ who are

not members of the Covenanted Civil Service,

nor Commissioned Officers in the Army,

nor in the Public Works and Survey (India) Departments, unless they are officiating in appointments below the rank of Assistant Engineer, or Assistant Controller, or Assistant Surveyor,

nor officers of the superior establishment of the Telegraph and Forest Departments, whose acting allowances are regulated by the special rules contained in the Appendix.

Officers with substantive appointments.

Section **19** (*a*).—An officer with a substantive appointment officiating in an appointment which is open to, and may in practice be held by, a Covenanted Civil Servant or an officer of the Army, is entitled to the acting allowance prescribed in *Section* 5.

Examples of the appointments referred to.

Postmasters General, Judges of Small Cause Courts gazetted officers of Police.

1. The classified list of the Financial Department is excepted from this clause, and comes under the next clause.

(*b*).—An officer with a substantive appointment officiating in an appointment to which clause (*a*) does not apply, and of which the pay is not less than Rs. 100, is entitled to an acting allowance of one-fifth of the pay of the appointment: Provided that no officer may, under this clause, be appointed to officiate in a higher grade of his own class.

No officiating in grades.

1. In the Public Works Department no increased allowances are admissible to an officer of the Upper Subordinate Establishment, or to a Sub-Overseer, for performing duties previously entrusted to one of a higher grade in either of the Subordinate Establishments.

Munsiffs in Madras.

2. In Madras the first, second, and third grades of munsiffships are treated as distinct *classes*.

Graded appointments

Explanation.—The pay of an appointment which belongs to a graded class and is not such as is described in clause (*a*) of this section, is the average pay of the grades, calculated without reference to the number of appointments in each grade; but the officiating officer's salary shall not exceed the pay of the lowest grade, unless he belongs to another Department, and is specially appointed to officiate in a grade other than the lowest.

Officers without substantive appointments.

Section **20**.—An officer without a substantive appointment, officiating in an appointment the pay of which is not less than Rs. 100, is entitled to an acting allowance of half the pay of the appointment.

See explanation under the last section.

Sections 19—20.

Appointments of less than Rs. 200.

Section **21**.—If the pay of the appointment is less than Rs. 200, and the Local Government considers that the acting allowances admissible by rule are insufficient, it may grant to the officiating officer higher allowances, not exceeding the difference between the pay of the appointment and the portion of it drawn by the absentee for whom he officiates.

Appointments of less than Rs. 100.

Section **22**.—The salary of an officer officiating in an appointment of which the pay is less than Rs. 100 should, as far as practicable, be regulated by Sections 19 (*b*) and 20; but the officer who appoints the substitute may grant him higher allowances, not exceeding the difference between the pay of appointment and the portion of it drawn by the absentee for whom he officiates.

CHAPTER VIII.

Plural Appointments.

Two or more appointments

Section **23**.—The salary of an officer holding substantively, or officiating in, two or more independent appointments at one time, shall be regulated as follows:

(*a*).—He shall draw the highest salary to which he would be entitled if he held, or officiated in, any one of the appointments alone.

(*b*).—For the other appointment or appointments he shall draw such allowances as the Local Government may fix, not exceeding, for each appointment, half the salary which he would draw if he held or officiated in it alone.

(*c*).—Provided that his aggregate salary shall not exceed the pay which he would draw in the most highly paid of the appointments, if he held it substantively and alone.

1. This proviso may be dispensed with if the Local Government declared that, for special reasons (to be communicated to the Supreme Government), it is necessary, on public grounds, to entrust to the one officer the duties of the several offices at once, and that the salary to which he would be limited by the proviso is insufficient.

[*Illustration.*—A Covenanted Civil Servant holding a substantive appointment, A, of which the pay is Rs. 1,000, is appointed, without being relieved of his own duties, to officiate in two appointments, B, of which the pay is Rs. 1,600, and C, of which the pay is Rs. 2,200.

	Rs.
If he held A only he would draw ...	1,000
If he officiated in B only he would draw pay Rs. 1,000, and acting allowance Rs. 400	1,400
If he officiated in C only he would draw pay Rs. 1,000, and acting allowance Rs. 800	1,800
He will therefore draw for C (which carries the highest salary) ...	1,800

And but for proviso (*c*) he would be entitled for B and A to such allowances as the Local Government may fix, not exceeding Rupees $\frac{1,400}{2}$=700 for B, and $\frac{1,000}{2}$= 500 for A.

But in consequence of that proviso his aggregate salary must be limited to Rs. 2,200 (the pay of appointment C), unless the declaration prescribed in Rule 1 be made.]

Exceptions

Section **24** (*a*).—Section 23 does not apply to the case of an officer officiating at the same time in two or more appointments which are ordinarily held substantively by one individual. In such case, the two appointments shall, for the purpose of calculating acting allowances, be treated as one appointment upon the aggregate pay.

(*b*).—Nor to the case of an officer discharging the duties of more than one appointment in the same office, or on the same establishment.

EXAMPLES.—One Under Secretary discharging the duties of a fellow Under Secretary in the same office or department as well as his own.

A Joint Magistrate appointed, in addition to his own duties, to officiate as Magistrate of the District. In this case he gets allowances only as Officiating Magistrate of the District.

A District Judge deprived of the help of an Additional or Assistant Judge, and therefore doing the Additional or Assistant Judge's work.

A Joint Magistrate doing the work of a second Joint Magistrate in the District as well as his own.

A clerk doing the duties of another clerk in the same office.

(*c*).—Nor does the section affect "local allowances" given for the performance of separate duties.

1. The allowances for the additional charge of an appointment of the kind specified in Section 11 are regulated by military rules and not by this Code.

Charge of current duties.

Section **25** (*a*).—An officer appointed, without being relieved of his own duties, to be in charge of the current duties of an office, is ordinarily not entitled to acting allowance.

(*b*).—But when an officer is appointed to be in charge of the current duties of a judicial office, or of a gazetted office in the Police Department, and the charge, in the opinion of the Local Government, entails a substantial increase of responsibility, besides some additional work, he is entitled to a charge allowance, to be fixed by the Local Government, not exceeding one-tenth of the pay of the office. If the office is open to, and may in practice be held by, a Covenanted Civil Servant or an officer of the Army, the charge allowance may not be less than Rs. 100 a month.

1. For a subordinate judicial officer in charge of the current duties of a District Judge's office the charge allowance is fixed at Rs. 150 a month.

(*c*).—An officer of the Engineer Establishment of the Public Works Department appointed, without being relieved of his own duties, to be in charge of the current duties of an office of higher class than his own, is entitled to a charge allowance of one-tenth of the civil pay of the class. But the cases must be reported to the Government of India for confirmation.

CHAPTER IX.

Appointments on Progressive Pay.

Rule for finding the "pay of the appointment"

Section **26** (*a*).—When an officer is first appointed (whether the appointment be substantive or officiating) to an office of which the pay is progressive and the minimum pay is not less than Rs. 100, the pay of the appointment shall, for the purpose of calculating his salary, be ascertained by counting towards the increments any excess over

one year in the period immediately preceding the date on which the appointment takes effect, during which the officer's pay continuously—

(1) if progressive, has been at its maximum, and

(2) has been not less than the minimum pay of the appointment.

Provided that not more than a year can be counted under this section.

(*b*).—If the minimum pay of the appointment is less than Rs. 100, no time can be counted towards the increments before the date on which the appointment takes effect.

Example.—A had since the 1st July 1870 been drawing the maximum pay (Rs. 600) of his appointment. On the 1st December 1871 he was appointed to officiate in an office the pay of which rises from Rs. 600 to 800. Under this section he counts five months out of the seventeen intervening between the 1st July 1870 and the 1st December 1871. This section, however, does not fix his salary, but only determines one of the elements necessary for its calculation.

Section **27**.—After an officer's first appointment, the pay of the appointment shall, for the purpose of calculating his salary, be ascertained by counting towards the increments (in addition to any time admissible under Section 26)—

i. Any time, whether continuous or not, during which he has officiated in the appointment, and during which—

(1) his pay, if progressive, has been at its maximum, and

(2) his salary has been not less than the minimum pay of the appointment.

ii. Any time during which he has substantively held the appointment.

Example.—A (the officer in the example under last section) will, under this section, count the time subsequent to 1st December 1871, during which he is officiating in the appointment. But this section, like the last, does not of itself fix his salary.

Rule for "calculating salary."

Section **28** (*a*).—If the officer is officiating in the appointment, his acting allowance shall be

calculated on the mean pay of the appointment; his maximum salary shall be the pay of the appointment as fixed in accordance with Sections 26 and 27; and his minimum salary shall be half the mean pay of the appointment.

(*b*). If the officer holds the appointment substantively, his pay shall be the pay of the appointment as fixed in accordance with Sections 26 and 27.

Example.—The "pay of the appointment," as fixed for A in the above example, is—

From December 1st, 1871	...	Rs. 600
From July 1st, 1872 ...	...	„ 650
From July 1st, 1873 ...	...	„ 700
From July 1st, 1874 ...	...	„ 750, and so on.

If he officiates only he gets Rs. 740 (*i. e.* Rs. $600+\frac{70}{2}$), limited at first to Rs. 600, after the 1st July 1872 to Rs. 650, and after the 1st July 1873 to Rs. 700. But after the 1st July 1874 he will draw the full Rs. 740, as the limit is then Rs. 750.

If he at any time obtains the appointment substantively, he gets the full pay above stated.

1. The following special rules apply to the Post Office Department:—

(*a*). Unless otherwise specially ordered by the Director General, an officer can count time only under Section 27, and can count under part i. of that section only so much as is continuous.

(*b*). An increment of salary accruing in any other month than March must be postponed until the 1st of March next following.

Section **29.**—An officer may, by excluding a previous appointment, count a subsequent appointment as the "first" appointment under these rules.

Example.—A officiated from the 1st January 1872 till the 31st March 1872 in an appointment the pay of which was progressive, but his own pay not being at the maximum, he was not entitled to count any time under Section 26.

He is again appointed to officiate on the 1st January 1874, but his pay having for some time been at the maximum, and the other conditions being fulfilled, the circumstances are such that, if this were his first appointment, he would be entitled, under Section 26, to count nine months towards the increments.

As this is more advantageous than it would be to count under Section 27 only the three months of his first officiating tenure, he would, by this section, exclude the first officiating tenure, and count the second tenure (beginning on the 1st January 1874) as the first.

The three months, of course, cannot be afterwards counted under Section 27.

Section **30**.—In Departments in which the pay is regulated according to classes, an officer may count, under Section 27, any time during which he has officiated in a higher class, as if he had during that time officiated in any lower class. Time thus counted cannot be afterwards counted towards an increment in the higher class.

Time spent on leave.

Section **31**.—Time spent on leave with allowances counts towards increments in the same manner as if during it the officer had actually held or officiated in (as the case may be) the appointment on which he has a lien. But an increment accruing while an officer is on leave does not affect his allowances until he returns to duty.

Suspension

Section **32**.—Time passed under suspension does not count towards increments, if the suspension is a penalty for misconduct; but an officer, in directing reinstatement of a person who has been suspended, may declare that the time shall count.

Note.—The rules in Sections 26 and 30 were first promulgated in the Acting Allowance Code dated the 1st August 1871.

Section 30 may be applied in fixing the salaries of officers in the appointments which they were holding on the 1st August, but no back pay before the 1st August can be drawn in consequence of the permission given by it.

Section 26 can be applied only in fixing the salaries of officers in appointments made on or after the 1st August, but any officer holding an appointment on the 1st August 1871 may count that appointment as if it had been "first" made on that date.

CHAPTER X.

Exceptional Cases.

Members of Council.

Section **33**.—The allowances of an officiating Ordinary Member of the Executive Council of the Governor General, or of the Governor of Madras or

Bombay, are regulated by Act of Parliament, Section 27 of 24 & 25 Vic., Cap. 67.

Section 27.—If any vacancy shall happen in the office of an Ordinary Member of the Council of the Governor General, or of the Council of either of the Presidencies, when no person provisionally appointed to succeed thereto shall be then present on the spot, then, and on every such occasion, such vacancy shall be supplied by the appointment of the Governor General in Council, or the Governor in Council, as the case may be; and until a successor shall arrive, the person so nominated shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall have, and be entitled to, the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office; and if any Ordinary Member of the Council of the Governor General, or of the Council of either of the Presidencies, shall, by any infirmity or otherwise, be rendered incapable of acting or of attending to act as such, or if any such Member shall be absent on leave, and if any person shall have been provisionally appointed as aforesaid, then the place of such Member absent or unable to attend shall be supplied by such person, and if no person provisionally appointed to succeed to the office shall be then on the spot, the Governor General in Council, or Governor in Council, as the case may be, shall appoint some person to be a temporary Member of Council, and until the return of the Member so absent or unable to attend, the person so provisionally appointed by the Secretary of State in Council, or so appointed by the Governor General in Council, or Governor in Council, as the case may be, shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall receive half the salary of the Member of Council whose place he supplies, and also half the salary of his office under the Government of India, or the Government of either of the Presidencies, as the case may be, if he hold any such office, the remaining half of such last-named salary being at the disposal of the Government of India, or other Government as aforesaid: provided always that no person shall be appointed a temporary Member of the said Council who might not have been appointed as hereinbefore provided to fill the vacancy supplied by such temporary appointment.

High Court Judges.

Section **34**.—An Officiating Chief Justice, or Judge of any High Court, or of the Chief Court of the Panjáb, is entitled to the full pay of the appointment.

Law Officers.

Section **35**.—An Officiating Law Officer draws, as acting allowance, the difference between the allowance attached to the appointment and the portion of it drawn by the absentee for whom he officiates.

1. The Government of Madras may apply this rule to an officer officiating as translator to Government.

Section **36**.—The undermentioned officers, officiating or substantive, are entitled to minimum salaries as follows:—

	Rs.
Accountant General in Bengal, Madras, or Bombay	1,500
Accountant General in the North-Western Provinces or in the Panjab	1,200
Accountant General (or Deputy Accountant General in independent charge) in British Burmah...	1,000
Deputy Accountant General (in independent charge) in the Central Provinces, Hydarabad or Mysore	800
Uncovenanted Medical Officer in medical charge of a Civil Station	350
Supernumerary Deputy Collector in Sind ...	400
Extra Assistant Commissioner, 3rd Class, in British Burmah	75
Extra Assistant Commissioner, except as above	200
Assistant Superintendent of Police (except those promoted from lower grades)	200

Cases of fixed minima.

Section **37**.—For the following cases there are special rules:—

(*a*). A Clergyman appointed to perform the duties of a Chaplain on the regular establishment is entitled to an allowance of Rs. 100 a month:

(*b*). A Sub-Assistant Surgeon officiating for, or appointed to do the duties of, a Civil Surgeon is entitled to an allowance in addition to his pay, as follows:—

If he be in the first or second grade:—Rs. 150 a month (but he must forfeit the Panjab allowance of Rs. 50 a month, if he has it.)

If he be in the third grade:—Rs. 100 a month.

(*c*). A Subordinate Medical Officer officiating in medical charge of a first or second class Civil Station is entitled to an allowance, in addition to his pay, of Rs. 100 a month.

Sections 35—37.

Extracts.

APPENDIX REFERRED TO IN SECTION 18.

Extract from the Telegraph Code, Chapter D.

82. The following Rules relate to the acting allowances of officers of the superior establishment, the expression "consolidated pay" being in all cases understood as the pay fixed for a Civil Officer holding an appointment, even though the officer affected in the calculation of acting allowance be a military officer.

I.—An officer officiating in the Telegraph Department, who does not hold any substantive appointment, shall receive an acting allowance of half the consolidated pay of the appointment in which he may officiate. In giving acting allowance under this rule to a Military Officer not holding any substantive appointment, who may officiate in the Telegraph Department, the allowance granted will be in addition to his military pay and allowances, up to an amount not exceeding what the officer would draw were he to be confirmed in the lowest grade of the class in which he may be appointed to officiate.

II.—An officer officiating as Director General shall draw a salary not less than Rs. 2,500 a month.

III.—Except as provided in Rules I and V, an officer officiating in a grade immediately superior to his own, shall draw the minimum consolidated pay of that grade; if he be a Military Officer, and the grade in which he is officiating carry staff allowances, he shall draw the same salary as he would draw were he permanently confirmed in the grade in which he officiates.

IV.—Except as provided in Rules I and V, an officer officiating in a grade higher than that immediately superior to his own shall draw an acting allowance of one-fifth of the mean consolidated pay of the grade in which he officiates, provided that the whole salary drawn by him shall not exceed the minimum pay of the grade in which he officiates. If, however, he be a Military Officer officiating in a grade carrying staff allowances, he shall draw, in addition to the staff allowances of his own grade, an acting allowance of one-fifth of the staff allowances of the grade in which he officiates, provided that the whole salary drawn by him shall not exceed the maximum pay fixed for the grade in which he officiates.

V.—No Assistant Superintendent, when officiating for another Assistant Superintendent of a higher grade, shall draw any acting allowance.

VI.—These rules are to be applied to all officers, Military or Civil, officiating in the superior appointments of the Telegraph Department in all cases, whether in an absolute vacancy

Extracts.

Extracts.

or during the absence of the permanent incumbent on general or privilege leave, special duty, or field service.

VII.—The acting allowance to the substitute of an officer on privilege leave will be paid by the State.

VIII.—A Superintendent holding charge of two divisions will receive an allowance of Rs. 100 a month, and any Assistant Superintendent in charge of two sub-divisions Rs. 50 a month. This, however, is only to be allowed under special circumstances, and as a temporary arrangement, and must be reported to the Government of India for confirmation.

96. No increased allowances are payable to any officer of the upper or lower subordinate establishment, or to any Sub-Inspector, for performing duties previously entrusted to one of a higher grade in either of those subordinate establishments.

Extract from the Rules of the appointments, &c., of Officers of the Forest Department under the control of the Government of India.

XII.—As a rule, all officiating appointments will be made to the lowest grade of Assistant or Deputy Conservator, and to the lowest class of Conservator, and in such cases the salary of the officiating officer will be the pay of the lowest grade or class of the office in which he officiates. There being no fixed number in the different grades of the Assistant Conservator and Deputy Conservator, no officiating appointments in the higher grades within these classes will be permitted.

XIII.—If in any special case an officiating appointment is made otherwise than to the lowest grade or class of Assistant or Deputy Conservator, or Conservator, the salary of the officiating office will be regulated by the ordinary rules regarding acting allowance, or will be fixed specially by the Government of India.

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